

CORPORATION PROCEEDINGS
COMMON COUNCIL
CITY HALL - BUFFALO
TUESDAY, FEBRUARY 22, 2011
AT 2:00 P.M.

Present – David A. Franczyk, President of the Council, and Councilmembers: Fontana, Golombek, Kearns, LoCurto, Pridgen, Rivera, Russell & Smith - 9
Absent - None

On a motion by Mr. Fontana, Seconded by Mr. Rivera, the minutes of the stated meeting held on February 8, 2011 were approved.

| | * A Y E * N O * |
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| FONTANA | * / * * |
| FRANCZYK | * / * * |
| GOLOMBEK | * / * * |
| KEARNS | * / * * |
| LOCURTO | * / * * |
| PRIDGEN | * / * * |
| RIVERA | * / * * |
| RUSSELL | * / * * |
| SMITH | * / * * |

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J

FROM THE MAYOR

February 22, 2011

FROM THE MAYOR - EXECUTIVE DEPARTMENT

February 22, 2011

FROM THE OFFICE OF STRATEGIC PLANNING

00001

#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: February 9, 2011

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
361 Adams, 105.27' S Broadway
Lot Size: 30' x 107'
Assessed Valuation: \$1,700.00
(Ellicott District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Gary Collins and Mr. Jermaine Collins, 355 Adams Street, Buffalo, New York 14212 to purchase 361 Adams. Mr. Gary and Jermaine Collins own a one family house at 355 Adams and the vacant lot at 357 Adams, which are adjacent to 361 Adams. They intend to use the property for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchasers.

The Division of Real Estate has investigated the sale of similar lots in the subject area. Sales range from Forty Five Cents (\$.45) to Sixty Cents (\$.60), per square foot.

Mr. Gary and Jermaine Collins have agreed and are prepared to pay One Thousand Eight Hundred Twenty Five Dollars (\$1,825.00), Fifty Seven Cents (\$.57) per square foot for the subject property. They have also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 361 Adams to Mr. Gary Collins and Mr. Jermaine Collins in the amount of One Thousand Eight Hundred Twenty Five Dollars (\$1,825.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:
JPH:ck
Repsale361adams/sales



REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

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#2 (Rev. 1/93) Two Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: February 15, 2011

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
329 Fifteenth, 120' SE Hampshire
Lot Size: 32' x 149'
Assessed Valuation: Land \$4,700.00
Total \$10,000.00
(Niagara District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Robert D. Carter, 287 Fifteenth Street, Buffalo, New York 14213 to purchase 329 Fifteenth Street. Mr. Carter intends to renovate and bring the property into code compliance and use as an income property. The estimated cost of renovations is Five Thousand Nine Hundred Dollars (\$5,900.00). Mr. Carter has provided plans to rehabilitate the house and proof of financial ability to complete the purchase and the repairs.

The property consists of 2,500 square feet, two story, two family house in poor condition situated on a lot 32' x 149'. The property was acquired by the City through In Rem #41, October 2007. There have been no other serious offers for the property, since being acquired by the City.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The Division of Real Estate has investigated the sale of similar properties in the subject area. Sales range from Two Dollars and Fourteen Cents (\$2.14) to Ten Dollars (\$10.00), per square foot of living area.

Mr. Carter has agreed and is prepared to pay Five Thousand Three Hundred Dollars (\$5,300.00), Two Dollars and Fourteen Cents (\$2.14) per square foot of living area for the subject property. He has also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 329 Fifteenth Street to Mr. Robert Carter in the amount of Five Thousand Three Hundred Dollars (\$5,300.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck

Repsalehouse329fifteenth/re



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Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated February 15, 2011, be received and filed; and

That the offer from Mr. Robert D. Carter, residing at 287 Fifteenth Street, in the sum of Five Thousand and Three Hundred Dollars (\$5,300.00) for the purchase of 329 Fifteenth Street, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

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| GOLOMBEK | * | * | * | * |
| KEARNS | * | * | * | * |
| LOCURTO | * | * | * | * |
| PRIDGEN | * | * | * | * |
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#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: February 16, 2011

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
61 Sweet, 270' S Kent
Lot Size: 30' x 100'
Assessed Valuation: \$1,500.00

65 Sweet, 240' S Kent
Lot Size: 30' x 100'
Assessed Valuation: \$1,500.00
(Fillmore District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Leonard J. Jerozal, 24 Warren Avenue, Buffalo, New York 14212 to purchase 61 and 65 Sweet. Mr. Jerozal owns and resides at 24 Warren, owns a two family house at 28 Warren and the vacant lots at 67 and 69 Sweet, which are all adjacent to 61 and 65 Sweet. He intends to use these vacant lots for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The Division of Real Estate has investigated the sale of similar lots in the subject area. Sales range from Forty Cents (\$.40) to Sixty Cents (\$.60), per square foot.

Mr. Jerozal has agreed and is prepared to pay Two Thousand Seven Hundred Dollars (\$2,700.00), Forty Five Cents (\$.45) per square foot for the subject properties. He has also agreed to pay for the cost of the transfer tax and recording fees.

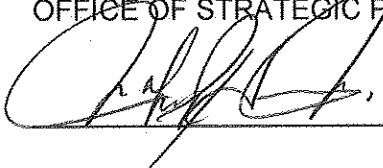
I am recommending that Your Honorable Body approve the sale of 61 and 65 Sweet to Mr. Leonard Jerozal in the amount of Two Thousand Seven Hundred Dollars (\$2,700.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck
Reportsale61&65sweet/real



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Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated February 16, 2011, be received and filed; and

That the offer from Mr. Leonard J. Jerozal, residing at 24 Warren Avenue, in the sum of Two Thousand and Seven Hundred Dollars (\$2,700.00) for the purchase of 61 and 65 Sweet Street, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

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| FONTANA | * | * | * | * |
| FRANCZYK | * | * | * | * |
| GOLOMBEK | * | * | * | * |
| KEARNS | * | * | * | * |
| LOCURTO | * | * | * | * |
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| RIVERA | * | * | * | * |
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#2 (Rev. 1/93) Two Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: February 14, 2011

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
597 West, 91.50' SE Rhode Island
Lot Size: 25' x 100'
Assessed Valuation: \$3,600.00
(Niagara District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Michael Castro, 305 Plymouth Avenue, Buffalo, New York 14213 to purchase 597 West Avenue. Mr. Castro owns a multiple family dwelling at 205 Rhode Island, which is adjacent to 597 West. He intends to use 597 West for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The Division of Real Estate has investigated the sale of similar properties in the subject area. Sales range from One Dollar (\$1.00) to One Dollar and Fifty Cents (\$1.50), per square foot.

Mr. Castro has agreed and is prepared to pay Two Thousand Five Hundred Dollars (\$2,500.00), One Dollar (\$1.00) per square foot for the subject property. He has also agreed to pay for the cost of the transfer tax and recording fees.

As a matter of disclosure, Mr. Michael Castro is an employee in the Department of Permit and Inspections Services and has complied with all procedures to acquire this property.

I am recommending that Your Honorable Body approve the sale of 597 West to Mr. Michael Castro in the amount of Two Thousand Five Hundred Dollars (\$2,500.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.


DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck

Repsalelotemployeeis597west/re



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Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated February 14, 2011, be received and filed; and

That the offer from Mr. Michael Castro, residing at 305 Plymouth Avenue Avenue, in the sum of Two Thousand and Five Hundred Dollars (\$2,500.00) for the purchase of 597 West, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

FONTANA

* * *

FRANCZYK

* * *

GOLOMBEK

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KEARNS

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LOCURTO

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PRIDGEN

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RIVERA

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FROM THE COMPTROLLER

Certificate of Necessity**Transfer of Funds****City Clerk -Common Council – Legislative**

We, Byron W. Brown, Mayor and Andrew A. SanFilippo, Comptroller, do hereby certify, pursuant to §20-12 of the Charter, that it is necessary that the sum of **\$3,500** be transferred and reappropriated from the City Clerk, as set forth below:

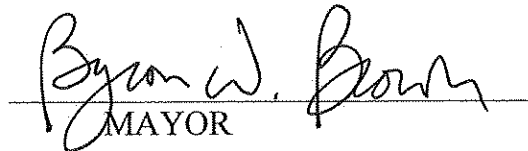
From:

City Clerk
10220006 – 434000 Other Contractual Services **\$3,500**
DE


To:

Common Council Legislative
10102001 – 412002 Hourly Salary **\$3,500**

Dated: Buffalo, NY, January 5, 2011


MAYOR

RECEIVED AND FILED


Comptroller

17
Estrich, Donna

From: Lehner, Christine
Sent: Thursday, December 23, 2010 11:58 AM
To: Estrich, Donna

Per Gerry I am requesting a Transfer in Funds.

FROM

| | | |
|----------|--------|------------|
| 10220006 | 434000 | \$3,500.00 |
|----------|--------|------------|

TO

| | | |
|----------|--------|------------|
| 10102001 | 412002 | \$3,500.00 |
|----------|--------|------------|

FROM THE PRESIDENT OF THE COUNCIL

February 22, 2011

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SEQR

BFLD GREEN CODE 119
FUTURE LAND USE PLAN

617.20

Appendix A

State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

☐ Part 1☐ Part 2☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED** negative declaration will be prepared.*
- ☒ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Buffalo Green Code Future Land Use Plan and Zoning Ordinance

Name of Action

City of Buffalo Common Council

Name of Lead Agency

David A. Franczyk

President

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

2.3.11

Date

website

ADOPTED

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PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Buffalo Green Code Future Land Use Plan and Zoning Ordinance

Location of Action (Include Street Address, Municipality and County)

Area within the municipal boundaries of Buffalo, New York

Name of Applicant/Sponsor William P. Grillo, Mayors Office of Strategic Planning

Address 901 City Hall

City / PO Buffalo State New York Zip Code 14202

Business Telephone 716.851.5086

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

The Buffalo Green Code Future Land Use Plan and Zoning Ordinance will consist of the following:

- (1) Establish land development policy and a future land use map that accommodate appropriate uses and forms, respond to market demands, provide access to goods and services, and reflect a local sense of "place";
- (2) Use the City's Comprehensive Plan: Queen City in the 21st Century, and its supporting plans as guidance for the development of development policy that provide standards for use, site and building design, and sustainability;
- (3) Utilize a place-based approach to the future land use plan that emphasizes the way development impacts the feel of the streets, the quality of the neighborhoods, and the overall character of the City;
- (4) Support and encourage smart growth by removing obstacles that unnecessarily hinder compact communities and creating incentives to encourage new development which requires buildings, blocks and streets to fit together in a cohesive sense of "place";
- (5) Support and encourage sustainable development by removing obstacles that unnecessarily hinder environmentally sustainable development choices and encouraging sustainable design techniques which provide a community benefit including renewable energy and water conservation.
- (6) Establish place-based and form-based development regulations consistent with the Future Land Use Plan.

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Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☒ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)
☒ Forest ☐ Agriculture ☐ Other _____

2. Total acreage of project area: 26,211 acres.

APPROXIMATE ACREAGE

| | PRESENTLY | AFTER COMPLETION |
|------------------------------------------------------------|------------------|------------------|
| Meadow or Brushland (Non-agricultural) | <u>n/a</u> acres | <u>n/a</u> acres |
| Forested | <u>n/a</u> acres | <u>n/a</u> acres |
| Agricultural (Includes orchards, cropland, pasture, etc.) | <u>n/a</u> acres | <u>n/a</u> acres |
| Wetland (Freshwater or tidal as per Articles 24,25 of ECL) | <u>n/a</u> acres | <u>n/a</u> acres |
| Water Surface Area | <u>n/a</u> acres | <u>n/a</u> acres |
| Unvegetated (Rock, earth or fill) | <u>n/a</u> acres | <u>n/a</u> acres |
| Roads, buildings and other paved surfaces | <u>n/a</u> acres | <u>n/a</u> acres |
| Other (Indicate type) _____ | <u>n/a</u> acres | <u>n/a</u> acres |

3. What is predominant soil type(s) on project site? varies through the city

- a. Soil drainage: ☒ Well drained _____% of site ☒ Moderately well drained _____% of site.
☒ Poorly drained _____% of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? n/a acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☒ Yes ☐ No

- a. What is depth to bedrock varies (in feet)

5. Approximate percentage of proposed project site with slopes:

☐ 0-10% _____% ☐ 10- 15% _____% ☐ 15% or greater _____%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☒ Yes ☐ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☒ Yes ☐ No

8. What is the depth of the water table? _____ (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☐ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☒ Yes ☐ No

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11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☒ Yes ☐ No

According to:

New York State Environmental Conservation Law

Identify each species:

Peregrine Falcon
American Bald Eagle
Lake Sturgeon

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☒ Yes ☐ No

Describe:

The City of Buffalo lies along the shore of Lake Erie and the Niagara River. The City is bisected by the Buffalo River.

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☒ Yes ☐ No

If yes, explain:

Citywide Future Land Use Plan includes both built and unbuilt areas including designated parks and greenways.

14. Does the present site include scenic views known to be important to the community? ☒ Yes ☐ No

Visual access to Lake Erie, the Buffalo and Niagara Rivers, and the Olmsted Park System of Parks and Boulevards are known to be important to the community.

15. Streams within or contiguous to project area:

Buffalo River, Niagara River Scajaquada Creek, Cazenovia Creek

a. Name of Stream and name of River to which it is tributary

The Buffalo River watershed encompasses approximately 445 square miles and drains portions of Buffalo and Wyoming counties in western New York state, including three major subwatersheds: Cayuga, Buffalo, and Cazenovia Creeks. The Buffalo River is a tributary to Lake Erie and discharges to a Federal navigation channel at Buffalo Harbor.

16. Lakes, ponds, wetland areas within or contiguous to project area:

Scajaquada Creek flows through the City of Buffalo before it empties into the Niagara River through part of the Erie Canal known as the Black Rock Canal. Much of the creek has been buried in underground culverts since 1921, while the Scajaquada once flowed into Hoyt Lake in Delaware Park, today it bypasses the lake through a channel and culvert.

Small ponds exist in any of the Olmsted Parks

b. Size (in acres):

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17. Is the site served by existing public utilities? ☒ Yes ☐ No
- a. If YES, does sufficient capacity exist to allow connection? ☒ Yes ☐ No
- b. If YES, will improvements be necessary to allow connection? ☐ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☒ Yes ☐ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: 26,211 acres.
- b. Project acreage to be developed: n/a acres initially; n/a acres ultimately.
- c. Project acreage to remain undeveloped: n/a acres.
- d. Length of project, in miles: n/a (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. n/a %
- f. Number of off-street parking spaces existing n/a; proposed n/a
- g. Maximum vehicular trips generated per hour: n/a (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>n/a</u> | | | |
| Ultimately | <u>n/a</u> | | | |
- i. Dimensions (in feet) of largest proposed structure: n/a height; n/a width; n/a length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? n/a ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? n/a tons/cubic yards.
3. Will disturbed areas be reclaimed ☐ Yes ☐ No ☒ N/A
- a. If yes, for what intended purpose is the site being reclaimed?
-
- b. Will topsoil be stockpiled for reclamation? ☐ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? n/a acres.

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5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: n/a months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated _____ (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

c. Approximate completion date of final phase: _____ month _____ year.

d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☒ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction n/a; after project is complete n/a

10. Number of jobs eliminated by this project n/a.

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

If yes, explain:

No, the Future Land Use Plan and Zoning Ordinance only applies to development proposed subsequent to its adoption

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☒ Yes ☐ No

16. Will the project generate solid waste? ☐ Yes ☒ No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? ☐ Yes ☒ No

c. If yes, give name _____; location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No

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e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☐ Yes ☒ No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity n/a gallons/minute.

23. Total anticipated water usage per day n/a gallons/day.

24. Does project involve Local, State or Federal funding? ☒ Yes ☐ No

If yes, explain:

The Future Land Use Plan and the new zoning ordinance are both funded by a State of New York Efficiency Grant and supported by the operating budget of the City of Buffalo, Office of Strategic Planning.

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25. Approvals Required:

| | | | Type | Submittal Date |
|------------------------------------|-----------------------------------------|----------------------------------------|-------------------------|----------------|
| City, Town, Village Board | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Common Council adoption | February |
| | | | Land Use Planning and | 2011 |
| | | | zoning amendments | |
| City, Town, Village Planning Board | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | | |
| | | | | |
| | | | | |
| City, Town Zoning Board | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | | |
| | | | | |
| | | | | |
| City, County Health Department | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | | |
| | | | | |
| | | | | |
| Other Local Agencies | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | | |
| | | | | |
| | | | | |
| Other Regional Agencies | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | | |
| | | | | |
| | | | | |
| State Agencies | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | | |
| | | | | |
| | | | | |
| Federal Agencies | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | | |
| | | | | |
| | | | | |

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

| | | | |
|------------------------------------------------------|---------------------------------------------|-----------------------------------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input checked="" type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

The current Buffalo Zoning Code consists of 17 zoning districts , 16 special zoning districts, downtown areas zones and a transit station area zone. Land in all existing zones may be affected.

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

unknown.

4. What is the proposed zoning of the site?

The Future Land Use Plan will inform the revision of the zoning ordinance and zoning map. New districts are likely and the mapping of those districts will produce a new zoning pattern across the city.

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

unknown

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

☒ Yes

☐ No

The City's "Queen City of the 21st Century" will serve as a policy template for the Future Land Use Plan and zoning ordinance.

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Same as 2 above.

8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile?

☒ Yes

☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? n/a

a. What is the minimum lot size proposed? n/a

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

- a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☒ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

- a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☒ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Jacques Gourguechon

Date 2-2-2011

Signature Jacques Gourguechon

Title Planning Consultant to the City of Buffalo

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- Answer each of the 20 questions in PART 2. Answer Yes if there will be any impact.
- Maybe answers should be considered as Yes answers.
- If answering Yes to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

| 1 | 2 | 3 |
|--------------------------------|------------------------------|-------------------------------------------------|
| Small to Moderate Impact | Potential Large Impact | Can Impact Be Mitigated by Project Change |

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO ☐ YES ☐

Examples that would apply to column 2

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|-----------------------------------------------------|-------------------------------------|-----------------------------------|----------------------------------------------------------|
| • Construction or expansion of a sanitary landfill. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)
☐ NO ☐ YES

| | | | |
|------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Specific land forms: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|------------------------|--------------------------|--------------------------|----------------------------------------------------------|

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)
☐ NO ☐ YES

| | | | | |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| Examples that would apply to column 2 | | | | |
| • Developable area of site contains a protected water body. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Dredging more than 100 cubic yards of material from channel of a protected stream. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Extension of utility distribution facilities through a protected water body. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction in a designated freshwater or tidal wetland. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

4. Will Proposed Action affect any non-protected existing or new body of water?
☐ NO ☐ YES

| | | | | |
|--------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| Examples that would apply to column 2 | | | | |
| • A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of a body of water that exceeds 10 acres of surface area. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------|----------------------------------------------------------|
| 5. Will Proposed Action affect surface or groundwater quality or quantity? <input type="checkbox"/> NO <input type="checkbox"/> YES | | | |
| Examples that would apply to column 2 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will require a discharge permit. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction or operation causing any contamination of a water supply system. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will adversely affect groundwater. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action would use water in excess of 20,000 gallons per day. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will allow residential uses in areas without water and/or sewer services. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | |

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| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|-----------------------------------------------------------------------------------|-------------------------------------|-----------------------------------|------------------------------------------------------|
| 6. Will Proposed Action alter drainage flow or patterns, or surface water runoff? | | | |
| <input type="checkbox"/> NO <input type="checkbox"/> YES | | | |

Examples that would apply to column 2

| | | | |
|--------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON AIR

| | | | |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| 7. Will Proposed Action affect air quality? | | | |
| <input type="checkbox"/> NO <input type="checkbox"/> YES | | | |
| Examples that would apply to column 2 | | | |
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

| | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| 8. Will Proposed Action affect any threatened or endangered species? | | | |
| <input type="checkbox"/> NO <input type="checkbox"/> YES | | | |
| Examples that would apply to column 2 | | | |
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|-------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------|----------------------------------------------------------|
| • Removal of any portion of a critical or significant wildlife habitat. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Application of pesticide or herbicide more than twice a year, other than for agricultural purposes. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

☐ NO ☐ YES

Examples that would apply to column 2

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

☐ NO ☐ YES

Examples that would apply to column 2

| | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction activity would excavate or compact the soil profile of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------|----------------------------------------------------------|
| • The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <div style="border: 1px solid black; height: 40px; width: 100%;"></div> | | | |

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
- ☐ NO ☐ YES

Examples that would apply to column 2

| | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Project components that will result in the elimination or significant screening of scenic views known to be important to the area. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <div style="border: 1px solid black; height: 40px; width: 100%;"></div> | | | |

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
- ☐ NO ☐ YES

Examples that would apply to column 2

| | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Any impact to an archaeological site or fossil bed located within the project site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|------------------|-------------------------------------|-----------------------------------|----------------------------------------------------------|
| • Other Impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <div></div> | | | |

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

☐ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|-------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other Impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action Impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

☐ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | |
|-------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other Impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| | | |
|-------------------------------------|-----------------------------------|------------------------------------------------------|
| 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|-------------------------------------|-----------------------------------|------------------------------------------------------|

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

☐ NO ☐ YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.

☐ ☐ ☐ Yes ☐ No

- Proposed Action will result in major traffic problems.

☐ ☐ ☐ Yes ☐ No

- Other impacts:

☐ ☐ ☐ Yes ☐ No

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☐ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.

☐ ☐ ☐ Yes ☐ No

- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.

☐ ☐ ☐ Yes ☐ No

- Other impacts:

☐ ☐ ☐ Yes ☐ No

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☐ NO ☐ YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.

☐ ☐ ☐ Yes ☐ No

- Odors will occur routinely (more than one hour per day).

☐ ☐ ☐ Yes ☐ No

- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.

☐ ☐ ☐ Yes ☐ No

- Proposed Action will remove natural barriers that would act as a noise screen.

☐ ☐ ☐ Yes ☐ No

- Other impacts:

☐ ☐ ☐ Yes ☐ No

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| | | |
|--------------------------------|------------------------------|-------------------------------------------------|
| 1 | 2 | 3 |
| Small to Moderate Impact | Potential Large Impact | Can Impact Be Mitigated by Project Change |

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

☐ NO ☐ YES

- | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| <ul style="list-style-type: none"> Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

☐ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| <ul style="list-style-type: none"> The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> Proposed Action will cause a change in the density of land use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|------------------------------------------------------------------------|-------------------------------------|-----------------------------------|----------------------------------------------------------|
| • Proposed Action will set an important precedent for future projects. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will create or eliminate employment. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <div></div> | | | |

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
☐ NO ☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

39

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more Impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

40

Mr. Fontana moved:

That the above communication from the Council President, dated February 3, 2011, be received and filed; and

That pursuant to Article 8 of the New York Environmental Conservation Law and the implementing regulations, 6 NYCRR Part 617 (State Environmental Quality Review Act (SEQRA)), the Common Council hereby adopts Part 1 of the Long Environmental Assessment Form for the Buffalo Green Code Future Land Use Plan and Zoning Ordinance.

Adopted.

41

FROM THE COMMISSIONER OF MANAGEMENT INFORMATION SYSTEMS

February 22, 2011

00007

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: January 24, 2011
in the Department of MIS

Division of

to the Position of **Sr. Data Processing Equipment Operator**
Permanent, Provisional, Temporary, Seasonal (Insert one) **Temporary**

Appointment, Promotion, Non-Competitive (Insert one) **APPOINTMENT**

Minimum, Intermediate, Maximum, Flat (Insert one) **Step 2**
(Enter Starting Salary) : Starting Salary of: **\$ 37762**

| | | | |
|------------------------------------------|---------------------------|------------|--------------------------|
| LAST JOB TITLE | Data Control Clerk | NAME | Helen Miranda |
| LAST DEPARTMENT | Audit | DATE | 01/24/11 |
| LAST SALARY | 37249 | ADDRESS | 7 Susan Lane |
| | | CITY & ZIP | Buffalo, NY 14220 |
| LAST 4 DIGITS OF SSN. XXX-XX-3678 | | | |

| | | | |
|--------------------------------------|--|------------|--|
| LAST JOB TITLE | | NAME | |
| LAST DEPARTMENT | | ADDRESS | |
| LAST SALARY | | CITY & ZIP | |
| LAST 4 DIGITS OF SSN. XXX-XX- | | | |

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

| | | | |
|--------------------------|--------------------|-------------------|-----------------|
| BUDGET ORG. CODE | 10871001 | TITLE CODE NO | 0910 |
| BUDGET ACCT. OBJ. | 41101 | PERSONNEL REQ. NO | 2010-110 |
| SALARY RANGE OF POSITION | 36483-41649 | PER YEAR DAY HOUR | YEAR |

REASON FOR APPT. ABOVE THE MINIMUM: **Second step is \$250.00 greater than her current salary.**

NAME OF APPOINTING AUTHORITY:
TITLE OF APPOINTING AUTHORITY:
DATE:

RAJENDER MEHTA
DIRECTOR, M.I.S.
1/18/11

SIGNATURE OF APPOINTING AUTHORITY:

Rajender Mehta

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET
#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

7

FROM THE COMMISSIONER OF PUBLIC WORKS, PARKS AND STREETS

TO: THE COMMON COUNCIL

DATE: February 16, 2011

FROM: DEPARTMENT: Public Works

DIVISION: Engineering

SUBJECT: [: Notification Serial # 10605
 [: Repeal Metered Parking
 [: on Exchange Street, north side
 [: between Smith Street
 [: and Van Rensselaer Street
 [: (excluding existing No Parking
 [: and No Standing areas)
 [: (Fillmore District)

PRIOR COUNCIL REFERENCE: (IF ANY) [:
 Ex. (Item No. xxx, C.C.P. xx/xx/xx)

PERMISSIVE PARKING - REPEAL

In conformity with Section 49 of Chapter 479 of the Ordinances of the City of Buffalo, the City Engineer hereby notifies Your Honorable Body of this action supplementing, amending, or repealing existing provisions of Chapter 479 of the Ordinances, as stated below, to be effective forty five days after the first Council meeting at which they appear on the agenda as an item business.

That that part of Subdivision 29 Section 15 of Chapter 479 of Ordinances of the City of Buffalo be supplemented by repealing therefrom the following: METERED PARKING

| <u>Metered Parking Locations</u> | <u>Period of Metered Parking</u> | <u>Rate of Metered Parking</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|
| Exchange Street, north side between Smith Street and Van Rensselaer Street (excluding existing No Parking and No Standing areas) | 2 Hour Parking 8:00 am to 5:00 pm Monday - Friday | Rate C \$1.00 per hour 2 hour maximum |

This action is being taken in order to allow for new long and short term metered parking spaces for employees and patrons of businesses in the LCo Building, as requested by the Larkin Development Group. (see next 3 serials)


SJS/PJM/EDS

CC: Kevin Helfer

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E.

TYPE TITLE: City Engineer

SIGNATURE OF DEPARTMENT HEAD:



TO: THE COMMON COUNCIL

DATE: February 16, 2011

FROM: DEPARTMENT: Public Works

DIVISION: Engineering

SUBJECT: [: Notification Serial # 10606
 [: Install Metered Parking
 [: on Exchange Street, north side
 [: between Hydraulic Street
 [: and Van Rensselaer Street
 [: (excluding existing No Parking
 [: and No Standing areas)
 [: (Fillmore District)

PRIOR COUNCIL REFERENCE: (IF ANY) [:

Ex. (Item No. xxx, C.C.P. xx/xx/xx)

PERMISSIVE PARKING - INSTALL

In conformity with Section 49 of Chapter 479 of the Ordinances of the City of Buffalo, the City Engineer hereby notifies Your Honorable Body of this action supplementing, amending, or repealing existing provisions of Chapter 479 of the Ordinances, as stated below, to be effective forty five days after the first Council meeting at which they appear on the agenda as an item business.

That that part of Subdivision 29 Section 15 of Chapter 479 of Ordinances of the City of Buffalo be supplemented by adding thereto the following: METERED PARKING

| <u>Metered Parking Locations</u> | <u>Period of Metered Parking</u> | <u>Rate of Metered Parking</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|
| Exchange Street, north side between Hydraulic Street and Van Rensselaer Street (excluding existing No Parking and No Standing areas) | 2 Hour Parking 8:00 am to 5:00 pm Monday - Friday | Rate C \$1.00 per hour 2 hour maximum |

This action is being taken in order to allow for new long and short term metered parking spaces for employees and patrons of businesses in the LCo Building, as requested by the Larkin Development Group. (see previous and next 2 serials)

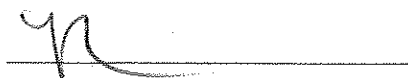
SJS/PJM/EDS

CC: Kevin Helfer

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E.

TYPE TITLE: City Engineer

SIGNATURE OF DEPARTMENT HEAD:



TO: THE COMMON COUNCIL

DATE: February 16, 2011

FROM: DEPARTMENT: Public Works

DIVISION: Engineering

SUBJECT: [: Notification Serial # 10607
 [: Install Metered Parking
 [: on Exchange Street, north side
 [: between Smith Street
 [: and Hydraulic Street
 [: (excluding existing No Parking
 [: and No Standing areas)
 [: (Fillmore District)

PRIOR COUNCIL REFERENCE: (IF ANY) [:
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

PERMISSIVE PARKING - INSTALL

In conformity with Section 49 of Chapter 479 of the Ordinances of the City of Buffalo, the City Engineer hereby notifies Your Honorable Body of this action supplementing, amending, or repealing existing provisions of Chapter 479 of the Ordinances, as stated below, to be effective forty five days after the first Council meeting at which they appear on the agenda as an item business.

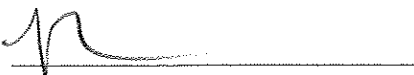
That that part of Subdivision 29 Section 15 of Chapter 479 of Ordinances of the City of Buffalo be supplemented by adding thereto the following: METERED PARKING

| <u>Metered Parking Locations</u> | <u>Period of Metered Parking</u> | <u>Rate of Metered Parking</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|---------------------------------------------|
| Exchange Street, north side between Smith Street and Hydraulic Street (excluding existing No Parking and No Standing areas) | 10 Hour Parking 7:00 am to 5:00 pm Monday - Friday | Rate D \$2.00 per day 10 hour maximum |

This action is being taken in order to allow for new long and short term metered parking spaces for employees and patrons of businesses in the LCo Building, as requested by the Larkin Development Group. (see previous 2 and next serials)

SJS/PJM/EDS

CC: Kevin Helfer

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E.TYPE TITLE: City EngineerSIGNATURE OF DEPARTMENT HEAD:

TO: THE COMMON COUNCIL

DATE: February 16, 2011

FROM: DEPARTMENT: Public Works

DIVISION: Engineering

SUBJECT: [: Notification Serial # 10608
 [: Install Metered Parking
 [: on Exchange Street, north side
 [: between Van Rensselaer Street
 [: and Larkin Street
 [: (excluding existing No Parking
 [: and No Standing areas)
 [: (Fillmore District)

PRIOR COUNCIL REFERENCE: (IF ANY) [:
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

PERMISSIVE PARKING - INSTALL

In conformity with Section 49 of Chapter 479 of the Ordinances of the City of Buffalo, the City Engineer hereby notifies Your Honorable Body of this action supplementing, amending, or repealing existing provisions of Chapter 479 of the Ordinances, as stated below, to be effective forty five days after the first Council meeting at which they appear on the agenda as an item business.

That that part of Subdivision 29 Section 15 of Chapter 479 of Ordinances of the City of Buffalo be supplemented by adding thereto the following: METERED PARKING

| <u>Metered Parking Locations</u> | <u>Period of Metered Parking</u> | <u>Rate of Metered Parking</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|---------------------------------------------|
| Exchange Street, north side between Van Rensselaer Street and Larkin Street (excluding existing No Parking and No Standing areas) | 10 Hour Parking 7:00 am to 5:00 pm Monday - Friday | Rate D \$2.00 per day 10 hour maximum |

This action is being taken in order to allow for new long and short term metered parking spaces for employees and patrons of businesses in the LCo Building, as requested by the Larkin Development Group. (see previous 3 serials)

SJS/PJM/EDS

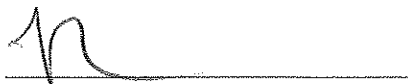
CC: Kevin Helfer

REFERRED TO THE COMMITTEE
ON LEGISLATION.

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E.

TYPE TITLE: City Engineer

SIGNATURE OF DEPARTMENT HEAD:



00009

#1 (Rev. 1/93) SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: February 16, 2011

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Engineering

SUBJECT: [: Permission to engage services of
 [: Consulting Engineer to provide City-Wide
 [: Engineering Services

PRIOR COUNCIL REFERENCE: (IF ANY) [:

I respectfully request that Your Honorable Body authorize the Department of Public Works, Parks and Streets to grant permission to hire an Engineering Consultant for a term contract to provide engineering services for the following:

- Federal-Aid Projects
- Traffic and Transportation
- Design, Construction Management and Inspection

The funds are available in account(s) to be named at a later date.

PJM/JDB:dab

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E., City Engineer FOR

TYPE TITLE: Steven J. Stepniak, Commissioner of Public Works, Parks & Streets

SIGNATURE OF DEPARTMENT HEAD: 

REFERRED TO THE COMMITTEE
ON FINANCE.

00010

#1 (Rev. 1/93) SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: February 16, 2011

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Engineering

SUBJECT: [: Permission to engage services of
[: Consulting Engineer to provide Grant Services

PRIOR COUNCIL REFERENCE: (IF ANY) [:

I respectfully request that Your Honorable Body authorize the Department of Public Works, Parks and Streets to grant permission to hire an Engineering Consultant for a term contract to provide engineering services for Grant services.

The funds are available in 30000106, an account(s) to be named at a later date.

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E., City Engineer FOR

TYPE TITLE: Steven J. Stepniak, Commissioner of Public Works, Parks & Streets

SIGNATURE OF DEPARTMENT HEAD:



REFERRED TO THE COMMITTEE
ON FINANCE.

49

10

TO: THE COMMON COUNCIL

DATE: February 16, 2011

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Engineering

SUBJECT: [: Permission to Increase Contract
 [: Erdman-Anthony Associates
 [: Main Street Contract #92010422
 [: PIN #5134.03
 [: University, Delaware & Masten District

PRIOR COUNCIL REFERENCE: (IF ANY) [:

Contract Summary:

| | |
|--------------------------|----------------------|
| Contract Amount: | \$7,250,000.00 |
| +Amount of Change Order: | <u>\$ 247,000.00</u> |
| Revised Contract Amount: | \$7,447,000.00 |

City Share of Change Order (5%) or \$12,350.00

I hereby submit to Your Honorable Body the following change for this contract. Erdman-Anthony Associates is the engineering consultant for the Main Street Reconstruction Project for the City of Buffalo. This project included study, preliminary and detailed design, and construction management/inspection.

This increase is necessary for additional design, construction management and inspection on this project. This increase specifically deals with the design and inspection of the installation of fiberoptic wire to interconnect signals from Bailey Avenue to Humboldt Parkway. The signal system will be connected to, and monitored by the Traffic Engineering office and provisions have been made to accommodate Fire pre-emption for Engine #34 and Ladder #7 located at Main and Mercer. This is a federally funded project and the funding breakdown is 80% Federal, 15% State, and 5% City.

I respectfully certify that this increase is fair and equitable for the work involved, and request that your Your Honorable Body approve the subject change order and authorize the Commissioner of Public Works, Parks and Streets to issue said increase for \$247,000. Of this amount, 5% or \$12,350 is the City share of the change. The Federal and State portions (95%) have already received approval. The funds are available in Capital Projects account 33656606-445600.

PJM/JDB/dabTYPE DEPARTMENT HEAD NAME:

Peter J. Merlo, P.E.

TYPE TITLE:

City Engineer

SIGNATURE OF DEPARTMENT HEAD:

51

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated February 16, 2011, be received and filed; and

That the Commissioner of Public Works, Parks and Streets be, and he hereby is authorized to issue Change Order #1 to Erdman-Anthony Associates for the Main Street Reconstruction Project #92010422 (PIN # 5134.03) in the amount of \$247,000.00 on the \$7,250,000.00 contract amount for a total contract amount of \$7,447,000.00. This increase is authorized for additional design, construction management and inspection on the project, specifically with respect to the installation of fiberoptic wire to interconnect signals from Bailey Avenue to Humboldt Parkway as specified in the above-communication. This is a federally funded project, meaning that the City's share of said Change Order is 5% of \$12,350.00.

Funds for this contract are available in Account 33656606-445600.

Passed

52

* AYE * NO *

| | | | | |
|----------|---|---|---|---|
| | | | | * |
| FONTANA | * | * | * | * |
| FRANCZYK | * | * | * | * |
| GOLOMBEK | * | * | * | * |
| KEARNS | * | * | * | * |
| LOCURTO | * | * | * | * |
| PRIDGEN | * | * | * | * |
| RIVERA | * | * | * | * |
| RUSSELL | * | * | * | * |
| SMITH | * | * | * | * |
| | * | * | * | |
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| | * | 9 | 0 | * |
| | * | * | * | * |

Maj - 5
2/3 - 6
3/4 - 7

TO: THE COMMON COUNCIL

DATE: January 27, 2011

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Engineering

SUBJECT: [Report of Bids
 [Island Curb Replacement, Gr. #731
 [Middlesex Road & Chatham Avenue - 2011

PRIOR COUNCIL REFERENCE: (IF ANY) [

In obtaining these bids for the above mentioned project, I have asked for unit price covering the various items of work and material which will be performed. The final cost of the work will be based on the actual measured quantities of materials entering into the work and may be either more or less than the total bid.

The following bids were received:

| | Base Bid | Unit Price Increase |
|---------------------------------------------------------------------------------|---------------|---------------------|
| Destro & Brothers Concrete Co., Inc. 411 Ludington Street, Buffalo, NY 14206 | \$454,208.00* | \$493,325.80* |
| Nova Site Company, LLC | \$456,872.40 | \$502,559.64 |
| P & J Construction Co., Inc. 709 Pleasant View Drive, Lancaster, NY 14086 | \$474,598.00 | \$522,057.80 |
| Master's Edge, Inc. 3409 Broadway Street, Cheektowaga, NY 14227 | \$476,053.40 | \$523,658.74 |
| Occhino Corporation 2650 Seneca Street, West Seneca, NY 14224 | \$555,892.14 | \$611,481.35 |
| Scott Lawn & Yard 5552 Towline Road, Sanborn, NY 14132 | \$596,281.00 | \$655,909.10 |
| Yarussi Construction, Inc. 5650 Simmons Avenue, Niagara Falls, NY 14304 | \$631,912.00 | \$695,103.20 |

*Adjusted Amount

I hereby certify that the low bidder for the above project is Destro & Brothers Concrete Co., Inc.

I respectfully recommend that your Honorable Body authorize a contract award in the amount of \$448,478.00* (\$448,478.00 + \$45,420.80 unit price increase = \$493,325.80). Funds for this work will be available in an account(s) #32310806-445100, #33310506-445100, #33311106-445100, an account(s) to be named at a later date.

The engineer's estimate for this work is \$525,000.00 .

The attached is certified to be a true and correct statement of the bid received. Under provisions of the General Municipal Law, any of the bidders may withdraw his bid if an award of the contract is not made by . Individual bid submissions are available in our office for inspection and copies are available upon request.

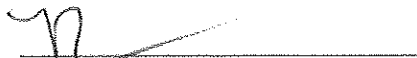
SJS:PJM:MJZ:llf

Attach. (3)

cc: Bill Heinhold

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E.
 TYPE TITLE: City Engineer of Public Works, Parks & Streets

SIGNATURE OF DEPARTMENT HEAD:



53

12

Island Curb Replacement Middlesex & Chatham

Gr. #731

| ITEM NO. | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | Approximate Quantities | UNIT | Contractor | | Contractor | |
|-------------|------------------------------------------------------------------------------------------------|---------------------------|-----------------|-------------------|------------------|-------------------|------------------|
| | | | | UNIT BID PRICE | Total Dollars | UNIT BID PRICE | Total Dollars |
| 01.400 | Engineering Materials Fixed Bid | 1.00 | As Necessary | \$1,000.00 | \$1,000.00 | \$1,000.00 | \$1,000.00 |
| 2.110A | Unclassified Excavation (minimum bid \$15.00) | 25.00 | Cu.Yd. | \$15.00 | \$375.00 | \$15.00 | \$375.00 |
| 2.110B | Hand Excavation with Compressor Jackhammer/Laborer - Fixed Bid | 1.00 | As Necessary | \$1,000.00 | \$1,000.00 | \$1,000.00 | \$1,000.00 |
| 03.210 | Subbase Course - 1" crusher run Hand Laid (minimum bid \$30.00) | 25.00 | Cu.Yd. | \$30.00 | \$750.00 | \$30.00 | \$750.00 |
| 04.150 | Asphalt Concrete - Hand Laid Modified Fine Top for Sidewalk Areas (minimum bid \$125.00) | 50.00 | Tons | \$125.00 | \$6,250.00 | \$125.00 | \$6,250.00 |
| R05.204 | Concrete Sidewalks/ 4" Replacement | 14,112.00 | Sq.Ft. | \$5.25 | \$74,088.00 | \$4.45 | \$62,798.40 |
| R05.205 | Concrete Sidewalk - 5" Replacement Bid => R05.204 | 5,000.00 | Sq.Ft. | \$5.50 | \$27,500.00 | \$5.00 | \$25,000.00 |
| R05.205B | Integral Curb & Sidewalk @ Driveway Approach - Fixed Bid \$15 | 800.00 | Lin.Ft. | \$15.00 | \$12,000.00 | \$15.00 | \$12,000.00 |
| R05.206 | Concrete Sidewalks 6" Replacement - (=> R05.205) | 100.00 | Sq.Ft. | \$7.00 | \$700.00 | \$8.57 | \$857.00 |
| 05.220A | Metal Reinforcement (6 x 6, 6" x 6") (minimum bid \$0.50) | 100.00 | Sq.Ft. | \$0.50 | \$50.00 | \$1.50 | \$150.00 |
| 05.220B | Fiber Reinforcement Additive (minimum bid \$7.00) | 25.00 | Cu.Yd. | \$7.00 | \$175.00 | \$15.00 | \$375.00 |
| 05.310 | High Early Cement Additive (minimum bid \$8.00) | 25.00 | Cu.Yd. | \$8.00 | \$200.00 | \$40.00 | \$1,000.00 |
| 05.414 | Sawing Concrete/Asphalt (<= 4 inch) sidewalk | 1,300.00 | Lin.Ft. | \$2.00 | \$2,600.00 | \$3.39 | \$4,407.00 |
| 05.Forestry | Stump Removal Fixed Bid | 1.00 | As Necessary | \$2,000.00 | \$2,000.00 | \$2,000.00 | \$2,000.00 |

Island Curb Replacement Middlesex & Chatham

Gr. #731

| ITEM NO. | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | Approximate Quantities | UNIT | Contractor | | Contractor | |
|-----------|----------------------------------------------------------------------------------|---------------------------|----------------|-------------------|------------------|-------------------|----------------------|
| | | | | UNIT BID PRICE | Total Dollars | UNIT BID PRICE | Total Dollars |
| R07.105A | Granite Curb - NYSDOT Type "A" (Mount Airy) 5" x 16" Replacement | 5,480.00 | Lin.Ft. | \$30.00 | \$164,400.00 | \$33.75 | \$184,950.00 |
| R07.105RA | Granite Curb - NYSDOT Type "A" (Mount Airy) 5" x 16" Radius Replacement | 260.00 | Lin.Ft. | \$40.00 | \$10,400.00 | \$47.00 | \$12,220.00 |
| 08.210 | Slotted Corrugated Polyethylene Underdrain - 4" (minimum bid \$4.00) | 5,730.00 | Lin.Ft. | \$4.00 | \$22,920.00 | \$4.00 | \$22,920.00 |
| 08.316 | Receiver Replacement (minimum bid \$400.00) | 4.00 | Each | \$400.00 | \$1,600.00 | \$400.00 | \$1,600.00 |
| 8.316B | Receiver Replace - Top Section Top Box & Grate (minimum bid \$200.00) | 4.00 | Each | \$200.00 | \$800.00 | \$200.00 | \$800.00 |
| 08.640 | Manhole Frame Adjustment - Sidewalk (minimum bid \$100.00) | 10.00 | Each | \$100.00 | \$1,000.00 | \$100.00 | \$1,000.00 |
| 08.660 | Course Brick Adjustment (minimum bid \$50.00) | 30.00 | Each Course | \$50.00 | \$1,500.00 | \$50.00 | \$1,500.00 |
| 08.930 | Sewer Vent - Replace Cap Only (minimum bid \$15.00) | 30.00 | Each | \$15.00 | \$450.00 | \$15.00 | \$450.00 |
| 08.940 | Fresh Air Inlet - Adjustment (minimum bid \$25.00) | 30.00 | Each | \$25.00 | \$750.00 | \$25.00 | \$750.00 |
| 09.620 | 7" Waterline Valve Box Top Section - Adjustment (sidewalk) (minimum bid \$50) | 4.00 | Each | \$50.00 | \$200.00 | \$50.00 | \$200.00 |
| 09.810 | Water Service Box - Cover & Bolt - Install/Replace (minimum bid \$15.00) | 30.00 | Each | \$15.00 | \$450.00 | \$15.00 | \$450.00 |
| 09.812 | Water Service Box - Top Section - Install/Replace (minimum bid \$75.00) | 20.00 | Each | \$75.00 | \$1,500.00 | \$75.00 | \$1,500.00 |
| 09.814 | Water Service Box - Complete - Install/Replace (minimum bid \$150.00) | 10.00 | Each | \$150.00 | \$1,500.00 | \$150.00 | \$1,500.00 \$0.00 |
| 09.820 | Water Service Box - Adjustment (minimum bid \$25.00) | 30.00 | Each | \$25.00 | \$750.00 | \$25.00 | \$750.00 |

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Island Curb Replacement Middlesex & Chatham

Gr. #731

| ITEM NO. | ITEMS WITH UNIT BID PRICE WRITTEN IN WORDS | Approximate Quantities | UNIT | Contractor | | Contractor | |
|------------|---------------------------------------------------------------------------------------------------------------|---------------------------|--------------------|-------------------|------------------|-------------------|------------------|
| | | | | UNIT BID PRICE | Total Dollars | UNIT BID PRICE | Total Dollars |
| 09.950 | Existing Water Service Box Survey (minimum bid \$15.00) | 60.00 | Each | \$15.00 | \$900.00 | \$15.00 | \$900.00 |
| 09.951 | Clean Existing Water Service Box (minimum bid \$25.00) | 30.00 | Each | \$25.00 | \$750.00 | \$25.00 | \$750.00 |
| 10.275 | Street Lighting Pullbox (minimum bid \$400.00) | 24.00 | Each | \$600.00 | \$14,400.00 | \$440.00 | \$10,560.00 |
| 10.998 | Galvanized High Strength Couplings & Rods (minimum bid \$750.00) | 20.00 | Each Foudnation | \$750.00 | \$15,000.00 | \$769.00 | \$15,380.00 |
| 11.110 | Hydroseed (minimum bid \$0.20) | 22,050.00 | Sq.Ft. | \$0.20 | \$4,410.00 | \$0.20 | \$4,410.00 |
| 12.110 | Maintenance & Protection of Traffic Fixed Bid | 1.00 | As Necessary | \$9,000.00 | \$9,000.00 | \$9,000.00 | \$9,000.00 |
| 12.310 | Galvanized Telspar Post (minimum bid \$100.00) | 10.00 | Each | \$100.00 | \$1,000.00 | \$100.00 | \$1,000.00 |
| 90.500 | Miscellaneous Construction Allowance Fixed Bid | 1.00 | As Necessary | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 |
| 90.900 | Mobile Office (minimum bid \$200.00) | 12.00 | Months | \$200.00 | \$2,400.00 | \$200.00 | \$2,400.00 |
| 613.0101 | Topsoil (minimum bid \$40.00) | 515.00 | Cu.Yd. | \$40.00 | \$20,600.00 | \$40.00 | \$20,600.00 |
| 680.620506 | Conduit, Rigid Plastic - Class 1, 2" (minimum bid \$5.00) | 2,760.00 | Lin.Ft. | \$7.00 | \$19,320.00 | \$5.00 | \$13,800.00 |
| 8502.5014 | Saw Cutting Asphalt Pavement, Concrete Pavement & Asphalt Overlay on Concrete Pvmnt. (minim bid \$4.00) | 5,730.00 | Lin.Ft. | \$4.00 | \$22,920.00 | \$4.00 | \$22,920.00 |
| 24608.50 | Detectable Warning Surface - 4 Ramps 2' x 5' per ramp (minimum bid \$40.00) | 40.00 | Sq.Ft. | \$40.00 | \$1,600.00 | \$40.00 | \$1,600.00 |
| | | | | \$454,208.00 | | \$456,872.40 | |

61
Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated January 27, 2011, be received and filed; and

That the Commissioner of Public Works, Parks and Streets be, and he hereby is authorized to issue a contract in the amount of \$493,325.80 (\$448,478.00 base bid + \$45,420.80 unit price increase = \$493,325.80) to Destro & Brothers Concrete Co., Inc. for the Island Curb Replacement, Group #773 – Middlesex Road and Chatham Avenue.

Funds for this work will be available in Accounts #32310806-445100, #33310506-445100, #33311106-445100 and accounts to be named at a later date.

Passed

TAB:rmv

* AYE * NO *

| | | | | |
|----------|---|---|---|---|
| FONTANA | * | * | * | * |
| FRANCZYK | * | * | * | * |
| GOLOMBEK | * | * | * | * |
| KEARNS | * | * | * | * |
| LOCURTO | * | * | * | * |
| PRIDGEN | * | * | * | * |
| RIVERA | * | * | * | * |
| RUSSELL | * | * | * | * |
| SMITH | * | * | * | * |
| | * | * | * | * |
| | * | 9 | 0 | * |
| | * | * | * | * |
| | * | * | * | * |

Maj - 5

2/3 - 6

3/4 - 7

00013

59

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: February 15, 2011

FROM: DEPARTMENT: Public Works, Parks & Streets
DIVISION: Engineering

SUBJECT: [:Report of Bids
[:Porter Avenue Reconstruction Project - Phase II
[:PIN 5757.15
[:Niagara District

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

This is to advise your Honorable Body that I have advertised for and recieved bids on February 2, 2011 for Porter Avenue Reconstruction project between Niagara Street and Symphony Circle. The objectives of this project are to enhance Porter Avenue with streetscape features and appropriate roadway improvements, including paving roadway ,new sidewalk, drainage system, landscape treatments and new street lighting. The following bids were received for the Project:

| | |
|--------------------------------|-----------------|
| 1- Yarussi Construction Inc. | \$1,713,935.00 |
| 2- Concrete Applied Technology | \$1,906,375.59 |
| 3- Occhino Corporation | \$1,930,868.79 |
| 4- Don Braasch Inc. | \$1,935,668.91 |
| 5- Arcadia Construction Inc. | \$ 2,039,582.32 |
| 6- Dipizio Construction | \$ 2,046,000.00 |
| 7- Mark Cerrone Inc. | \$ 2,148,786.00 |

Engineer's Estimate: \$ 2,078,919.44

I hereby certify that the lowest responsible bidders is Yarussi Construction. Also, I respectfully recommend that your Honorable Body authorize a contract award in the amount of \$ 1,885,329.00 (Base Bid \$ 1,713,935.00+ a \$171,394 - 10% Unit bid increase = \$ 1,885,329.00). This Project is Funded by FHWA, New York State and the City of Buffalo as part of local Transportation Improvement Program (T.I.P.) and City of Buffalo's share of construction cost is about 5%. Funds for this project will be available in capital project Account .

PJM:sag

DEPARTMENT HEAD NAME: Peter J. Merlo, P.E.
TITLE City Engineer

SIGNATURE OF DEPARTMENT HEAD:



13

60
Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated February 15, 2011, be received and filed; and

That the Commissioner of Public Works, Parks and Streets be, and he hereby is authorized to issue a contract in the amount of \$1,885,329.00 (\$1,713,935.00 base bid + \$171,394.00 unit price increase = \$1,885,329.00) to Yarussi Construction, Inc. for Phase II of the Porter Avenue Reconstruction Project. This project is funded by FHWA, New York State and the City as part of the Transportation Improvement Program. The City's share of the project cost is about 5%.

Funds for this work will be available in a capital project account.

Passed

TAB:rmv

* AYE * NO *

| | | | | |
|----------|---|---|---|---|
| | | | | * |
| FONTANA | * | * | * | * |
| FRANCZYK | * | * | * | * |
| GOLOMBEK | * | * | * | * |
| KEARNS | * | * | * | * |
| LOCURTO | * | * | * | * |
| PRIDGEN | * | * | * | * |
| RIVERA | * | * | * | * |
| RUSSELL | * | * | * | * |
| SMITH | * | * | * | * |
| | * | * | * | |
| | * | 9 | 0 | * |
| | * | * | * | * |
| | * | * | * | * |

Maj - 5
2/3 - 6
3/4 - 7

POSITION ALLOCATION MAINTENANCE FORM

Title * Account Clerk Typist
 Department/Division Public Works, Parks & Streets, Division of Engineering
 Start Date 2/3/11
 Original PR No. 2007-214
 Title Code No. 0401
 Salary \$32,879 (Interim)
 Budget Function No. 13111001-411001

FEB 27 11 14:18 4369030

Reason for appointment (check one) ☒ Status Change ☐ Reinstatement ☐ Replacement ☐ Extension

Type of Status Change (check one)

- ☐ From Temporary to Provisional
☐ From Temporary to Permanent
☒ From Provisional to Permanent
☐ From Contingent Permanent to Permanent
☐ Other

Type of Appointment:Classification

- ☒ Permanent
☐ Contingent Permanent
☐ Provisional
☐ Temporary
☐ Seasonal

- ☐ Exempt
☐ Competitive
☐ Non-Competitive

Comments: _____

Employee Information:

| | | | |
|---------|------------------|----------|------------|
| Name | Kathryn Mann | SS# | [REDACTED] |
| Address | 98 Treehaven Rd. | DOB | [REDACTED] |
| City | Buffalo | State | New York |
| | | Zip Code | 14215 |

| | | |
|---------------------------------------------|----------|------|
| Signature of Appointing Authority | 12/21/10 | Date |
| Signature of Director of Budget | 12/28/10 | Date |
| Signature of Adm. Director of Civil Service | 2/3/11 | Date |

Send original copy signed by Dept. Head to Budget

Send or e-mail Civil Service a copy

When approved copy is returned, send a copy to Audit along with file maintenance form, City Clerk and Budget

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

2/4/11

in the Department of

Public Works

Division of

Buildings

to the Position of

Principal Engineer

Permanent, Provisional, Temporary, Seasonal (Insert one)

PERMANENT

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

MAXIMUM

(Enter Starting Salary) : Starting Salary of:

\$77,713LAST JOB TITLE **Principal Engineer**LAST DEPARTMENT **DPW**DATE **2/11**

NAME

Seyed Ghasemi

ADDRESS

161 Whitehall Avenue

LAST SALARY

\$77,713

CITY & ZIP

Buffalo, NY 14220LAST 4 DIGITS OF SSN. **XXX-XX-8392**

LAST JOB TITLE

LAST DEPARTMENT

DATE

NAME

ADDRESS

LAST SALARY

CITY & ZIP

LAST 4 DIGITS OF SSN. **XXX-XX-**

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

13295001

TITLE CODE NO

4060

BUDGET ACCT. OBJ.

411001 PROJ. ID

PERSONNEL REQ. NO

2010-111

SALARY RANGE OF POSITION

\$62,550-\$77,713

PER YEAR DAY HOUR

YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Steven J. Stepniak

TITLE OF APPOINTING AUTHORITY:

Commissioner

DATE:

2/3/11

SIGNATURE OF APPOINTING AUTHORITY:

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET
#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

64

FROM THE COMMISSIONER OF POLICE

February 22, 2011

00016

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL: DATE: February 16, 2011

FROM: DEPARTMENT: POLICE

DIVISION:

SUBJECT: |: BLOOD, INFECTIOUS DISEASE RISK
|:
|:

PRIOR COUNCIL REFERENCE: (IF ANY) |: Item #33, C.C.P. Feb. 8, 2011, "M. Kearns-
Ex. (Item No. xxx, C.C.P. xx/xx/xx) P. Kullerkupp (Blood, Infectious Disease Risk to
Citizens of Bflo.")

TEXT: (TYPE SINGLE SPACE BELOW)

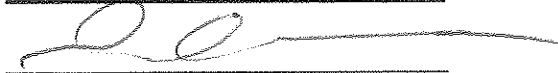
When the Buffalo Police Department encounters such incidents, homeowners are advised that there are private companies listed in the phone book which perform environmental cleanups. The Buffalo Police Department as an organization does not recommend any individual company or outfit to provide this service.

In regards to cleanups on the street where the Buffalo Fire Department is involved, inquiries as to their policies for hosing down outdoor areas should be referred to them.

TYPE DEPARTMENT HEAD NAME: DANIEL DERENDA

TYPE TITLE: COMMISSIONER OF POLICE

SIGNATURE OF DEPARTMENT HEAD:



REFERRED TO THE COMMITTEE
ON LEGISLATION.



Common Council

Legislative Staff

City of Buffalo, NY

66
Chief of Staff
James S. Pajak
Senior Legislative Assistant IV
Kevin M. Linder
Senior Legislative Assistants
Brian Bray
Mark J. Jaskula
William B. Licata
Julia A. Paul
Melissa Sanchez-Fernandez
Richard Wall
Legislative Aide
James N. Jackson

February 9, 2011

Daniel Derenda, Commissioner
Buffalo Police Department
74 Franklin Street
Buffalo NY 14202

Dear Commissioner:

At the Common Council meeting held on Tuesday, February 8, 2011, the following item was referred to the Committee on Legislation and your department for a response:

"M. Kearns- P. Kullerkupp-Blood, Infectious Disease Risk to Citizens of Bflo." (#33 C.C.P. Feb. 8, 2011)

Please review the enclosed item and file and address your comments and/or recommendations with the Common Council, 1308 City Hall, by **2:00 p.m. Thursday, February 17, 2011**. If you have any questions or need further information, please contact me at 851-5109.

Your assistance is greatly appreciated.

Sincerely,

Mark Jaskula
Sr. Legislative Assistant

Enclosure

LEG

The Buffalo Common Council

FEB 08 2011

MICHAEL P. KEARNS
SOUTH DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, 1401 CITY HALL
BUFFALO, NY 14202-3318
PHONE: (716) 851-5169 ♦ FAX: (716) 851-4294
E-mail: mkearns@city-buffalo.com



CHAIRMAN
FINANCE
TRANSPORTATION
WATERFRONT DEVELOPMENT

COMMITTEES
BUDGET
BURA
CIVIL SERVICE
CLAIMS

LEGISLATIVE ASSISTANTS
MARTHA-ANN MURPHY
KELLY M. KRUG
RUSSELL C. WEAVER

MEMORANDUM

TO: Gerald Chwalinski

FROM: Councilmember Kearns

DATE: January 25, 2011

RE: Blood, infectious disease risk to citizens of Buffalo.

I would like to file the attached information for the next Common Council meeting to be held on January 25, 2011.

Thank you.

"For the People"

33 29.

W. E. Co.

68
Murphy, Marti

From: Peace Kullerkupp [peacekullerkupp@yahoo.com]
Sent: Wednesday, January 19, 2011 9:55 AM
To: Councilmember Fontana; Councilmember Franczyk; Councilmember Pridgen; Councilmember Golombek; Councilmember Kearns; Councilmember LoCurto; Councilmember Rivera; Councilmember Russell; Councilmember Smith; Lewis, Tiffany R.; McAlister, Todd C.; Kennedy, Rosetta; Bollman, Bryan J.; Kuzma, Michael; Baj, Aniela M.; Brem, James; VonDerempton, Timothy; Battel, Sandra S.; Murphy, Marti; Weaver, Russell; Krug, Kelly M.; Hamm, Bradley K.; Thoma, James D.; Crispell, Whitney A.; Santiago, Noemi; Laubenstein, Kirk A.; Munson, Sandra; Blando, Amanda R.; SanFilippo, Andy; Mayor; Stepniak, Steve; Whitfield, Garnell; CCR; Mestre, Oswaldo; rlander@city-buffalo.com; Rodriguez, David - Law Department
Cc: Peace Kullerkupp
Subject: RE: Blood, infectious disease risk to citizens of Buffalo

I am contacting you regarding the HUGE threat of blood exposure, including the potential of AIDS, HIV, Hepatitis, STD's, MRSA, and many other diseases being neglectfully managed within the city of Buffalo at a crime scene. We have tried repeatedly to establish a protocol for handling this concern with the Mayor's hot line, but without success, and with the repeated incidents of improper handling of blood and body fluid after crime related incidents in the city, we, as a expert in this field, as well as an advocate for humanitarian rights, feel obligated to accelerate this matter to any and all pertinent individuals to resolve this issue by working together as a group for resolution to this problem.

When a violent crime occurs in the city, resulting in blood loss, the police investigate the crime and release the scene back to the property owner to clean up themselves. Without any local laws or enforcement regulating this industry, and a lack of knowledge by most people, these crime scenes are not being cleaned properly, thus exposing the occupants of the home to the potential blood borne illnesses and disease, as well as the general public when the incident occurs outside such as a shooting, stabbing or pedestrian struck.

Furthermore, the city is being exposed to a heavy level of liability, as the fire department will "hose down" a crime scene with water only, to get rid of the blood, but there are many problems with this as well. First, just hosing down the blood does not kill all the potential diseases the blood harbors, and actually increases the area of risk by spreading it around a larger area (We have had calls to our office by people who had to deal with the blood after the police and fire department leave, wondering how to deal with the bigger problem created, including on woman who called because her son came into the house carrying a blood clot in his bare hand, which was "hosed down" into the grass after a shooting).

Additionally, the fire department, using high pressure hoses, is risking themselves and bystanders, by splashing the blood around, and god forbid it gets into someones mouth, nose, eye's, etc. and the Workman's compensation concerns and liability legal issues it can create.

Basically, there is no procedure within the city to handle blood related emergencies, and this puts everyone at risk for disease and death. The city has been neglectful in their obligation to properly address this concern. I am willing to personally work with the city to find a resolution to this problem, but need everyone's cooperation. I will not let this issue rest, so let's all work together to find a solution, protect the community, and do the right and ethical thing.

So everyone knows who I am, my name is Peace Kullerkupp, I am a paramedic within the city for over 20 years, and I own Spotless Touch Crime Scene Cleaners. I have extensive experience, and just want to see resolution to a problem that exists within the city, please work with us to resolve this dilemma now, while it's proactive, instead of having to address it as a reactive response when someone ends up sick or dead after an

exposure that could have been prevented.

Peace Kullerkupp
716-563-2051

68

FROM THE COMMISSIONER OF FIRE

February 22, 2011

00017

71

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: February 3, 2011
FROM: DEPARTMENT: 21 - Fire
SUBJECT: [:Difference in Pay - Mary Schollard
[:Difference in Pay - John Harter
[:
[:

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

We are requesting BFD employee Mary Schollard be reimbursed \$3,750.39

We are also requesting BFD employee John Harter be reimbursed \$387.47 for difference in pay resulting from compensation benefits received.

SIGNATURE

DEPARTMENT HEAD TITLE : Garnell W. Whitfield, Jr., Commissioner of Fire

GWW/sa
attachment

17

Buffalo Fire Department
City of Buffalo
Difference of Pay

2/3/2011

| | | | | | |
|----------------------------------------------------------------|----------------------|---------------|---------------------------|---------------------------|-------------------|
| Employee Name | Mary Schollard | | | | |
| Employee Number | 140200 | | | | |
| Dept / Location | 21 - C844 | | | | |
| Time off Worker's Comp | 07-01-09 to 10-27-09 | | | | |
| | 06-04-10 to 11-01-10 | | | | |
| City of Buffalo Gross Pay | | 1,446.78 | City of Buffalo Gross Pay | | 1,486.12 |
| 12/18/09 Check | | 70.11 | 1/14/2011 | Federal Tax | 94.10 |
| | | 22.51 | | State Tax | 24.43 |
| | | 88.46 | | FICA | 62.41 |
| | | 20.69 | | Medicare | 21.55 |
| Net Pay | | 1,245.01 | Net Pay | | 1,283.63 |
| Payperiod | No of Weeks Injured | Usual Net Pay | Paid by Insurance | **Paid by City of Buffalo | Difference in Pay |
| 07-01-09 to 10-27-09 | 16.8 | 8,715.07 | 6,816.60 | 285.36 | 1,613.11 |
| 06-04-10 to 11-20-10 | 21.2 | 13,606.48 | 11,469.20 | 0.00 | 2,137.28 |
| | | | | | 3,750.39 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| ** was paid for regular time comp earned in error owes to city | | | | | |

72

FIRST NIAGARA RISK MANAGEMENT, INC.

NOTICE THAT PAYMENT OF COMPENSATION HAS BEEN STOPPED OR MODIFIED

CHECK TYPE OF CASE: ☒ WORKERS' COMPENSATION ☐ VOLUNTEER FIREFIGHTER ☐ VOLUNTEER AMBULANCE WORKER

ANSWER ALL QUESTIONS FULLY - TYPEWRITER OR COMPUTER PREPARATION IS REQUIRED

| | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------------------------------------------|-------------------------------|-------------------------------------|
| ALL COMMUNICATIONS SHOULD REFER TO THESE NUMBERS | | | | |
| 1. W C B Case Number | 2. Carrier Case Number | 3. Carrier Code | 4. Date of Injury | 5. Social Security Number |
| G0132157 | 210-09-78455 | W807002 | 05/05/2009 | 105-54-7927 |
| 6. Claimant/Name of Deceased | | Address to which notices should be sent | | |
| Mary Schollard | | 41 Kimberly Street Buffalo, NY 14220 | | |
| 7. Employer * | | 1007 City Hall Buffalo, NY 14202 | | |
| 8. Carrier | | 282 Delaware Avenue Buffalo, NY 14202 | | |
| * In VF and VAW benefit cases, the liable political subdivision (or unaffiliated ambulance service as defined in Sec. 30 VAWBL) is deemed to be the "EMPLOYER" | | | | |
| 9. County Where Injury Occurred | 10. Date Disability Began or Date of Death | 11. Average Weekly Wage | 12. Date First Payment Mailed | 13. Date Most Recent Payment Mailed |
| Erie | 07/01/09 | \$811.50 | 07/31/09 | 11/4/10 |
| 14. Description (Diagnosis) of Injury Left elbow/forearm **surg: 6/4/10 Dr. Moy | | | | |
| 15. SUMMARY OF BENEFIT PAYMENTS | | | | |
| Indicate Type of Disability | | Amount Period(s) of Payment | | Loss Days Worked |
| TOTAL/PARTIAL | PERM./TEMP. | From | To | Number of Weeks |
| 75% X | X | 07/01/09 | 10/27/09 | 16.8 |
| T | T | 06/04/10 | 11/01/10 | 21.2 |
| | | | | |
| | | | | |
| DISFIGUREMENT..... | | | | |
| LUMP SUM PAYMENT (Include Lump Sum Non-Schedule Adjustment or Lump Sum Advance on a Schedule Loss Award)..... | | | | |
| DEATH BENEFITS | | From | To | Paid To Or For |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | Lump Sum Death Benefit (VFBL and VAWBL only)..... | | |
| | | Funeral Expenses | | |
| | | State Treasurer (Sections 15-9, 25-a or 26-a)..... | | |
| | | Payment made into Aggregate Trust Fund - Date: | | |
| TOTAL AWARD | | | | \$18285.80 |
| PENALTY PAYMENT TO CLAIMANT | | | | \$ |
| LESS: a. Fees to representative: | | | | \$ |
| b. Reimbursement to: | | | | \$ |
| c. Other (specify): Clmt Prior Paid: | | | | \$ 17203.80 |
| TOTAL DEDUCTIONS (a+b+c) \$ | | | | 17203.80 |
| BALANCE TO CLAIMANT \$ | | | | 1082.00 |
| 16. Have benefits been paid in full in accordance with an award of the WCB? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No," check and complete items a-c, as appropriate: | | | | |
| a. <input checked="" type="checkbox"/> Claimant returned to work. Date of return: 10/27/09, 11/01/10 <input checked="" type="checkbox"/> At pre-injury wages <input type="checkbox"/> At reduced wages | | | | |
| b. <input checked="" type="checkbox"/> There is a change in condition and/or earnings. (A medical report or other supporting documentation must be attached.) | | | | |
| c. <input type="checkbox"/> Payments stopped or modified for other reason. (Explain below and/or attach explanation/documentation.) | | | | |
| Claimant returned to work 11-1-10 with NO restrictions as released by her Dr., Dr. Moy per report filed 10-25-10 visit. No further payments at this time. | | | | |
| 17. <input type="checkbox"/> NOTICE OF TERMINATION OF TEMPORARY PAYMENTS OF COMPENSATION (Sec. 21-a WCL) Employer or carrier is ceasing payment of temporary compensation. See special information box on reverse. Last payment was made on | | | | |
| Reason for termination of payments: | | | | |

Cas: WCB, Clmt, File, City-Fire Civ, City/Audit

Prepared by Rae Metzger

Official Title TPA-First Niagara Risk Mgt.

Dated 11/4/10

Telephone No. & Extension (716) 505-2913

C-8/8.6 (4-01)

Prescribed by Chair
Workers' Compensation Board

SEE IMPORTANT INFORMATION TO CLAIMANT AND CARRIER ON REVERSE.

02/03/2011 11:01
jiparis1

CITY OF BUFFALO
DETAIL CHECK HISTORY

BY EMPLOYEE NAME
06/18/2010 to 11/05/2010

PG 1
prhisrpt

| ORG | OBJ | PROJ | LOC | JOB | CHECK | PAY TYPE | HOURS | AMOUNT | DED | TYPE | EMPLOYEE | EMPLOYER |
|------------------------------------|--------|------|------|------|-----------|------------|-----------|-----------|-----|------|----------|----------|
| 140200 105-54-7927 SCHOLLARD, MARY | | | | | | | | | | | | |
| LOC: C844 ORG: 12135001 | | | | | | | | | | | | |
| Check Date: 06/18/2010 | | | | | | | | | | | | |
| 12135001 | 411001 | | C844 | 2310 | 000249450 | 110 REGTIM | 32.00 | 570.71 | | | | |
| 12135001 | 413002 | | C844 | 2310 | 000249450 | 231 HOLIOT | 9.00 | 248.75 | | | | |
| CHECK 06/18/2010 TOTALS: | | | | | | | 41.00 | 819.46 | | | 0.00 | 0.00 |
| Check Date: 06/24/2010 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002189364 | 172 WRKMN | 1.20 | 649.20 | | | | |
| CHECK 06/24/2010 TOTALS: | | | | | | | 1.20 | 649.20 | | | 0.00 | 0.00 |
| Check Date: 07/02/2010 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002191276 | 172 WRKMN | 2.00 | 1,082.00 | | | | |
| CHECK 07/02/2010 TOTALS: | | | | | | | 2.00 | 1,082.00 | | | 0.00 | 0.00 |
| Check Date: 07/16/2010 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002193384 | 172 WRKMN | 0.00 | 1,082.00 | | | | |
| CHECK 07/16/2010 TOTALS: | | | | | | | 0.00 | 1,082.00 | | | 0.00 | 0.00 |
| Check Date: 07/30/2010 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002196857 | 172 WRKMN | 0.00 | 1,082.00 | | | | |
| CHECK 07/30/2010 TOTALS: | | | | | | | 0.00 | 1,082.00 | | | 0.00 | 0.00 |
| Check Date: 08/13/2010 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002199374 | 172 WRKMN | 0.00 | 1,082.00 | | | | |
| CHECK 08/13/2010 TOTALS: | | | | | | | 0.00 | 1,082.00 | | | 0.00 | 0.00 |
| Check Date: 08/27/2010 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002201569 | 172 WRKMN | 0.00 | 1,082.00 | | | | |
| CHECK 08/27/2010 TOTALS: | | | | | | | 0.00 | 1,082.00 | | | 0.00 | 0.00 |
| Check Date: 09/10/2010 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002204423 | 172 WRKMN | 0.00 | 1,082.00 | | | | |
| CHECK 09/10/2010 TOTALS: | | | | | | | 0.00 | 1,082.00 | | | 0.00 | 0.00 |
| Check Date: 09/24/2010 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002206603 | 172 WRKMN | 0.00 | 1,082.00 | | | | |
| CHECK 09/24/2010 TOTALS: | | | | | | | 0.00 | 1,082.00 | | | 0.00 | 0.00 |
| Check Date: 10/08/2010 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002209977 | 172 WRKMN | 0.00 | 1,082.00 | | | | |
| CHECK 10/08/2010 TOTALS: | | | | | | | 0.00 | 1,082.00 | | | 0.00 | 0.00 |
| Check Date: 10/22/2010 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002212314 | 172 WRKMN | 0.00 | 1,082.00 | | | | |
| CHECK 10/22/2010 TOTALS: | | | | | | | 0.00 | 1,082.00 | | | 0.00 | 0.00 |
| Check Date: 11/05/2010 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002214385 | 172 WRKMN | 0.00 | 1,082.00 | | | | |
| CHECK 11/05/2010 TOTALS: | | | | | | | 0.00 | 1,082.00 | | | 0.00 | 0.00 |
| CHECK 11/05/2010 TOTALS: | | | | | | | 44.20 | 12,288.66 | | | 0.00 | 0.00 |
| EMPLOYEE TOTALS: | | | | | | | 11,781.53 | | | | | |

09/29/2010 12:37
jiparisi

CITY OF BUFFALO
DETAIL CHECK HISTORY

BY EMPLOYEE NAME
07/17/2009 to 11/06/2009

PG 1
prhisrpt

| ORG | OBJ | PROJ | LOC | JOB | CHECK | PAY TYPE | HOURS | AMOUNT | DED | TYPE | EMPLOYEE | EMPLOYER |
|------------------------------------|--------|--------------------------|------|------|-----------|------------|-------|----------|------|--------|----------|----------|
| 140200 105-54-7927 SCHOLLARD, MARY | | | | | | | | | | | | |
| Check Date: 07/17/2009 | | | | | | | | | | | | |
| 12135001 | 411001 | | C844 | 2310 | 000208799 | 110 REGTIM | 18.00 | 308.38 | 2999 | NYS DE | 138.77 | 0.00 |
| | | | C844 | | 000208799 | | | | 3000 | FIT | 0.00 | 0.00 |
| | | | C844 | | 000208799 | | | | 4000 | NY TAX | 0.00 | 0.00 |
| | | | C844 | | 000208799 | | | | 8017 | AFSCME | 18.20 | 0.00 |
| | | | C844 | | 000208799 | | | | 9000 | DIR DE | 127.82 | 0.00 |
| | | | C844 | | 000208799 | | | | 1000 | FICA | 19.12 | 0.00 |
| | | | C844 | | 000208799 | | | | 1100 | MEDICA | 4.47 | 4.47 |
| 17302002 | 422000 | | C844 | | 000208799 | | | | | | 308.38 | 23.59 |
| 17302002 | 422000 | CHECK 07/17/2009 TOTALS: | | | | | | | | | | |
| | | | | | NET: | 127.82 | 18.00 | 308.38 | | | | |
| Check Date: 07/31/2009 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002124032 | 172 WRKMN | 3.60 | 1,080.00 | | | 0.00 | 0.00 |
| | | | C844 | | 002124032 | | 3.60 | 1,080.00 | | | | |
| | | | | | NET: | 1,080.00 | | | | | | |
| Check Date: 08/14/2009 | | | | | | | | | | | | |
| 12135001 | 411001 | | C844 | 2310 | 000211882 | 110 REGTIM | 14.00 | 249.69 | 2999 | NYS DE | 112.36 | 0.00 |
| | | | C844 | | 000211882 | | | | 3000 | FIT | 0.00 | 0.00 |
| | | | C844 | | 000211882 | | | | 4000 | NY TAX | 0.00 | 0.00 |
| | | | C844 | | 000211882 | | | | 8017 | AFSCME | 18.20 | 0.00 |
| | | | C844 | | 000211882 | | | | 9000 | DIR DE | 100.03 | 0.00 |
| | | | C844 | | 000211882 | | | | 1000 | FICA | 15.48 | 0.00 |
| | | | C844 | | 000211882 | | | | 1100 | MEDICA | 3.62 | 3.62 |
| 17302002 | 422000 | | C844 | | 000211882 | | | | | | 249.69 | 19.10 |
| 17302002 | 422000 | CHECK 08/14/2009 TOTALS: | | | | | | | | | | |
| | | | | | NET: | 100.03 | 14.00 | 249.69 | | | | |
| Check Date: 08/18/2009 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002128292 | 172 WRKMN | 0.00 | 600.00 | | | 0.00 | 0.00 |
| | | | C844 | | 002128292 | | 0.00 | 600.00 | | | | |
| | | | | | NET: | 600.00 | | | | | | |
| Check Date: 08/28/2009 | | | | | | | | | | | | |
| 12135001 | 411001 | | C844 | 2310 | 000213462 | 110 REGTIM | 2.00 | 35.67 | 2999 | NYS DE | 16.05 | 0.00 |
| | | | C844 | | 000213462 | | | | 3000 | FIT | 0.00 | 0.00 |
| | | | C844 | | 000213462 | | | | 4000 | NY TAX | 0.00 | 0.00 |
| | | | C844 | | 000213462 | | | | 8017 | AFSCME | 0.00 | 0.00 |
| | | | C844 | | 000213462 | | | | 9000 | DIR DE | 16.89 | 0.00 |
| | | | C844 | | 000213462 | | | | 1000 | FICA | 2.21 | 2.21 |
| | | | C844 | | 000213462 | | | | 1100 | MEDICA | 0.52 | 0.52 |
| 17302002 | 422000 | | C844 | | 000213462 | | | | | | 35.67 | 2.73 |
| 17302002 | 422000 | CHECK 08/28/2009 TOTALS: | | | | | | | | | | |
| | | | | | NET: | 16.89 | 2.00 | 35.67 | | | | |
| Check Date: 09/11/2009 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002131230 | 172 WRKMN | 2.00 | 1,403.70 | | | 0.00 | 0.00 |
| | | | C844 | | 002131230 | | 2.00 | 1,403.70 | | | | |
| | | | | | NET: | 1,403.70 | | | | | | |
| Check Date: 09/11/2009 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002134082 | 172 WRKMN | 0.00 | 811.50 | | | 0.00 | 0.00 |
| | | | C844 | | 002134082 | | 0.00 | 811.50 | | | | |
| | | | | | NET: | 811.50 | | | | | | |
| Check Date: 09/25/2009 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002138839 | 172 WRKMN | 0.00 | 811.50 | | | 0.00 | 0.00 |
| | | | C844 | | 002138839 | | 0.00 | 811.50 | | | | |
| | | | | | NET: | 811.50 | | | | | | |

75

09/29/2010 12:37
jiparisi

CITY OF BUFFALO
DETAIL CHECK HISTORY

PG 2
prhisrpt

BY EMPLOYEE NAME
07/17/2009 to 11/06/2009

| ORG | OBJ | PROJ | LOC | JOB | CHECK | PAY TYPE | HOURS | AMOUNT | DED | TYPE | EMPLOYEE | EMPLOYER |
|------------------------------------|--------|------|------|------|-----------|-----------|-------|----------|-------|------|----------|----------|
| 140200 105-54-7927 SCHOLLARD, MARY | | | | | | | | | | | | |
| LOC: C844 ORG: 12135001 | | | | | | | | | | | | |
| Check Date: 10/09/2009 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002141377 | 172 WRKMN | 2.00 | 811.50 | | | | 0.00 |
| CHECK 10/09/2009 TOTALS: | | | | | | | | 811.50 | | | | |
| Check Date: 10/23/2009 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 000219972 | 172 WRKMN | 2.00 | 811.50 | | | | 0.00 |
| 17305002 | 426000 | | C844 | 2310 | 000219972 | 172 WRKMN | -2.00 | -811.50 | | | | 0.00 |
| CHECK 10/23/2009 TOTALS: | | | | | | | | 0.00 | | | | |
| Check Date: 11/06/2009 | | | | | | | | | | | | |
| 17305002 | 426000 | | C844 | 2310 | 002145884 | 172 WRKMN | 0.00 | 486.90 | | | | 0.00 |
| CHECK 11/06/2009 TOTALS: | | | | | | | | 486.90 | | | | |
| EMPLOYEE TOTALS: | | | | | | | | 7,061.34 | 43.60 | | 593.74 | 45.42 |
| GRAND TOTALS: | | | | | | | | 7,061.34 | 43.60 | | 593.74 | 45.42 |

** END OF REPORT - Generated by parisi,jill **

NAME John Harter
EMP 60080
DEPT/LOC 21 C020
TIME PERIOD 7-8-08

| | | | | | | |
|------------------|----------------|----------------------|---------------|-------------------|--|--|
| CITY OF BUFFALO | | | | | | |
| GROSS PAY | | | | | | |
| 7/3/08 CHECK | | FED TAX | | 2227.62 | | |
| | | STATE TAX | | 163.91 | | |
| | | FICA | | 100.99 | | |
| | | MEDICARE | | 138.11 | | |
| | | NYS RETIRE | | 32.30 | | |
| | | | | 214.00 | | |
| NET PAY | | | | 1578.31 | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| PAYPERIOD | NUMBER OF DAYS | PAID BY COMPENSATION | USUAL NET PAY | DIFFERENCE IN PAY | | |
| 1 TO 3 | | | | | | |
| 7-8-08 to 8-4-08 | 15 | 1980.00 | 2367.47 | 387.47 | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | TOTAL | 387.47 | | |

FIRST NIAGARA RISK MANAGEMENT

NOTICE THAT PAYMENT OF COMPENSATION HAS BEEN STOPPED OR MODIFIED

18

CHECK TYPE OF CASE: ☒ WORKERS' COMPENSATION ☐ VOLUNTEER FIREFIGHTER ☐ VOLUNTEER AMBULANCE WORKER

ANSWER ALL QUESTIONS FULLY - TYPEWRITER OR COMPUTER PREPARATION IS REQUIRED

| | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-----------------------------------------|-------------------------------|-------------------------------------|
| ALL COMMUNICATIONS SHOULD REFER TO THESE NUMBERS | | | | |
| 1. W C B Case Number | 2. Carrier Case Number | 3. Carrier Code | 4. Date of Injury | 5. Social Security Number |
| 80807805 | 210-08-76240 | W807002 | 7/8/2008 | 065-44-3654 |
| 6. Claimant/Name of Deceased | | Address to which notices should be sent | | |
| John Harter | | 79 Heussy Avenue Buffalo, NY 14220 | | |
| 7. Employer * | | 1007 City Hall Buffalo NY 14202 | | |
| City of Buffalo - Fire (Civilian) | | | | |
| 8. Carrier | | 282 Delaware Ave. Buffalo NY 14202 | | |
| Self Insured c/o First Niagara Risk Management | | | | |
| * In VF and VAW benefit cases, the liable political subdivision (or unaffiliated ambulance service as defined in Sec. 30 VAWBL) is deemed to be the "EMPLOYER" | | | | |
| 9. County Where Injury Occurred | 10. Date Disability Began or Date of Death | 11. Average Weekly Wage | 12. Date First Payment Mailed | 13. Date Most Recent Payment Mailed |
| Erie | 7/9/08 | \$1132.85 | 8/8/08 med Rec | 8/8/08 |
| 14. Description (Diagnosis) of Injury Left Shoulder | | | | |

15. SUMMARY OF BENEFIT PAYMENTS

| Indicate Type of Disability | | Amount Period(s) of Payment | | Less Days Worked | Number of Weeks | Weekly Rate | Amount |
|-----------------------------|------------|-----------------------------|----------|------------------|-----------------|-------------|-----------|
| TOTAL/PARTIAL | PERM/TEMP. | From | To | | | | |
| T | T | 07/09/08 | 08/04/08 | | 3.6 | \$550.00 | \$1980.00 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

DISFIGUREMENT

LUMP SUM PAYMENT (Include Lump Sum Non-Schedule Adjustment or Lump Sum Advance on a Schedule Loss Award).....

| | From | To | Paid To Or For |
|------------------------------------------------------|------|----|------------------|
| DEATH BENEFITS | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Lump Sum Death Benefit (VFBL and VAWBL only)..... | | | |
| Funeral Expenses | | | |
| State Treasurer (Sections 15-9, 25-a or 26-a)..... | | | |
| Payment made into Aggregate Trust Fund - Date: | | | |
| TOTAL AWARD | | | \$1980.00 |

PENALTY PAYMENT TO CLAIMANT

| | | | |
|------------------------------------|---------------------------------------------|----|----------------|
| LESS: | a. Fees to representative: | \$ | |
| | b. Reimbursement to: | \$ | |
| | c. Other (specify): Clmt paid prior:: | \$ | 1980.00 |
| TOTAL DEDUCTIONS (a+b+c) \$ | | | 1980.00 |
| BALANCE TO CLAIMANT \$ | | | -0- |

16. Have benefits been paid in full in accordance with an award of the WCB? ☐ Yes ☐ No If "No," check and complete items a-c, as appropriate:
a. ☒ Claimant returned to work. Date of return: 8/4/08 ☒ At pre-injury wages ☐ At reduced wages
b. ☐ There is a change in condition and/or earnings. (A medical report or other supporting documentation must be attached.)
c. ☐ Payments stopped or modified for other reason. (Explain below and/or attach explanation/documentation.)

17. ☐ NOTICE OF TERMINATION OF TEMPORARY PAYMENTS OF COMPENSATION (Sec. 21-a WCL) Employer or carrier is ceasing payment of temporary compensation. See special information box on reverse. Last payment was made on _____ Reason for termination of payments: _____

Ccs:WCB, Clmt, File, City-Fire (Civ)
Prepared by R. Metzger
Official Title First Niagara Risk Mgt.

Dated 10/20/08
Telephone No. & Extension 505-2913

C-8/8.6 (4-01)

Prescribed by Chair
Workers' Compensation Board
State of New York

SEE IMPORTANT INFORMATION TO CLAIMANT AND CARRIER ON REVERSE.

MUNIS FINANCIAL MANAGEMENT SOLUTIONS

WELCOME TO THE NEIGHBORHOOD

03/03/2009 20:40
gen7

CITY OF BUFFALO
DETAIL CHECK HISTORY

BY EMPLOYEE NAME
07/18/2008 to 08/15/2008

PG 1
prhisrpt

| ORG | OBJ | PROJ | LOC | JOB | CHECK | PAY TYPE | HOURS | AMOUNT | DED | TYPE | EMPLOYEE | EMPLOYER |
|--------------------------|-------------|------|--------------|------|-----------|------------|--------|----------|------|--------|----------|----------|
| LOC: C020 ORG: 12139001 | | | | | | | | | | | | |
| 060080 | 065-44-3654 | | HARTER, JOHN | | | | | | | | | |
| Check Date: 07/18/2008 | | | | | | | | | | | | |
| 12139001 | 411001 | | C020 | 239D | 002040877 | 110 REGTIM | 80.00 | 2,227.62 | | | | |
| 12139001 | 413001 | | C020 | 239D | 002040877 | 211 OVERTM | 2.00 | 89.47 | | | | |
| | | | C020 | | 002040877 | | | | 2999 | NYS DE | 92.68 | 0.00 |
| | | | C020 | | 002040877 | | | | 3000 | FIT | 185.38 | 0.00 |
| | | | C020 | | 002040877 | | | | 4000 | NY TAX | 107.30 | 0.00 |
| | | | C020 | | 002040877 | | | | 7105 | NY RET | 214.00 | 0.00 |
| | | | C020 | | 002040877 | | | | 8020 | AFL282 | 28.96 | 0.00 |
| | | | C020 | | 002040877 | | | | 8031 | CH SEL | 36.80 | 0.00 |
| | | | C020 | | 002040877 | | | | 8271 | BFD CU | 20.00 | 0.00 |
| | | | C020 | | 002040877 | | | | 8275 | BME CU | 25.00 | 0.00 |
| | | | C020 | | 002040877 | | | | 1000 | FICA | 143.66 | 143.66 |
| | | | C020 | | 002040877 | | | | 1100 | MEDICA | 33.60 | 33.60 |
| | | | C020 | | 002040877 | | | | | | 887.38 | 177.26 |
| 17302002 | 422000 | | | | | | 82.00 | 2,317.09 | | | | |
| 17302002 | 422000 | | | | | | | | | | | |
| CHECK 07/18/2008 TOTALS: | | | | | | | | | | | | |
| | | | | | NET: | 1,429.71 | | | | | | |
| Check Date: 07/18/2008 | | | | | | | | | | | | |
| 12139001 | 414007 | | C020 | 239D | 002041290 | 127 PRFATT | 48.00 | 1,400.03 | | | | |
| | | | C020 | | 002041290 | | | | 3000 | FIT | 350.01 | 0.00 |
| | | | C020 | | 002041290 | | | | 4000 | NY TAX | 102.90 | 0.00 |
| | | | C020 | | 002041290 | | | | 8020 | AFL282 | 17.50 | 0.00 |
| | | | C020 | | 002041290 | | | | 1000 | FICA | 86.80 | 86.80 |
| | | | C020 | | 002041290 | | | | 1100 | MEDICA | 20.30 | 20.30 |
| 17302002 | 422000 | | | | | | 48.00 | 1,400.03 | | | | |
| 17302002 | 422000 | | | | | | | | | | | |
| CHECK 07/18/2008 TOTALS: | | | | | | | | | | | | |
| | | | | | NET: | 822.52 | | | | | | |
| Check Date: 08/08/2008 | | | | | | | | | | | | |
| 17305002 | 426000 | | C020 | 239D | 002049034 | 172 WRKMN | 0.00 | 1,980.00 | | | | |
| | | | C020 | | | | 0.00 | 1,980.00 | | | | |
| CHECK 08/08/2008 TOTALS: | | | | | | | | | | | | |
| | | | | | NET: | | | | | | | |
| Check Date: 08/15/2008 | | | | | | | | | | | | |
| 12139001 | 411001 | | C020 | 239D | 002050423 | 110 REGTIM | 40.00 | 1,113.81 | | | | |
| | | | C020 | | 002050423 | | | | 2999 | NYS DE | 44.55 | 0.00 |
| | | | C020 | | 002050423 | | | | 3000 | FIT | 22.28 | 0.00 |
| | | | C020 | | 002050423 | | | | 4000 | NY TAX | 29.08 | 0.00 |
| | | | C020 | | 002050423 | | | | 7105 | NY RET | 214.00 | 0.00 |
| | | | C020 | | 002050423 | | | | 8020 | AFL282 | 13.92 | 0.00 |
| | | | C020 | | 002050423 | | | | 8031 | CH SEL | 36.80 | 0.00 |
| | | | C020 | | 002050423 | | | | 8271 | BFD CU | 20.00 | 0.00 |
| | | | C020 | | 002050423 | | | | 8275 | BME CU | 25.00 | 0.00 |
| | | | C020 | | 002050423 | | | | 1000 | FICA | 69.06 | 69.06 |
| | | | C020 | | 002050423 | | | | 1100 | MEDICA | 16.15 | 16.15 |
| 17302002 | 422000 | | | | | | 40.00 | 1,113.81 | | | | |
| 17302002 | 422000 | | | | | | | | | | | |
| CHECK 08/15/2008 TOTALS: | | | | | | | | | | | | |
| | | | | | NET: | 622.97 | | | | | | |
| EMPLOYEE TOTALS: | | | | | | | | | | | | |
| | | | | | NET: | 4,855.20 | 170.00 | 6,810.93 | | | 1,955.73 | 369.57 |
| GRAND TOTALS: | | | | | | | | | | | | |
| | | | | | NET: | 4,855.20 | 170.00 | 6,810.93 | | | 1,955.73 | 369.57 |

** END OF REPORT - Generated by paris jill **

80

Mr. Fontana moved:

That the above communication from the Commissioner of Fire dated February 3, 2011, be received and filed; and

That the Commissioner of Fire is hereby authorized to reimburse BFD employees Mary Schollard in the amount of \$3,750.39 and John Harter in the amount of \$387.47 for differences in pay resulting from compensation benefits received.

Passed

TAB:rmv

* AYE * NO *

| | | | | |
|----------|---|---|---|---|
| | | | | * |
| FONTANA | * | * | * | * |
| FRANCZYK | * | * | * | * |
| GOLOMBEK | * | * | * | * |
| KEARNS | * | * | * | * |
| LOCURTO | * | * | * | * |
| PRIDGEN | * | * | * | * |
| RIVERA | * | * | * | * |
| RUSSELL | * | * | * | * |
| SMITH | * | * | * | * |
| | * | * | * | * |
| | * | 9 | 0 | * |
| | * | * | * | * |
| | * | * | * | * |

Maj - 5
2/3 - 6
3/4 - 7

87

FROM THE COMMISSIONER OF ECONOMIC DEVELOPMENT AND PERMIT &
INSPECTION SERVICES

February 22, 2011



City of Buffalo

Examining Board of Plumbers - *MEETING SCHEDULE*
65 Niagara Square - 312 City Hall, Buffalo, NY 14202

The 2011 meeting schedule of the City of Buffalo Examining Board of Plumbers is as follows:

- January - 1/11/11
- February - 2/8/11
- March - 3/15/11
- April - 4/12/11
- May - 5/17/11
- June - 6/2/11
- July - summer recess
- August - summer recess
- September - 9/13/11
- October - 10/11/11
- November - 11/8/11
- December - 12/6/11

Respectfully submitted,

A handwritten signature in cursive script that reads "Sandy Roessler".

Sandy Roessler, Acting Board Secretary

REFERRED TO THE COMMITTEE
ON FINANCE.

To: The Common Council:

Date: February 7, 2011

From: Department of Economic Development, Permit & Inspection ServicesDivision: Office of Licenses

Subject: [: Lodging House License

[: 443 Forest Ave (North)

[:

[:

| Type in Upper and |

| Lower Case Only |

Prior Council Reference: (If Any) [:

Ext. (Item No. xxx, C.C.P. xx/xx/xx):

Text (Type Single Space Below):

Pursuant to Chapter 254 of the City of Buffalo Ordinances please be advised that I have examined the attached application for a Lodging House License located at **443 Forest** and find that as to form is correct. I have caused an investigation into the premises for which said application for a Lodging House license is being sought and according to the attached reports from the Zoning Office, Fire Department, Police, and Building Inspections. I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Nancy Singh. The attached thereto for Nancy Singh. This request is submitted for your approval or whatever action you deem appropriate.

REFERRED TO THE COMMITTEE
ON LEGISLATION.

Type Department Head Name: JAMES COMERFORDType Title: COMMISSIONERSignature of Department Head:

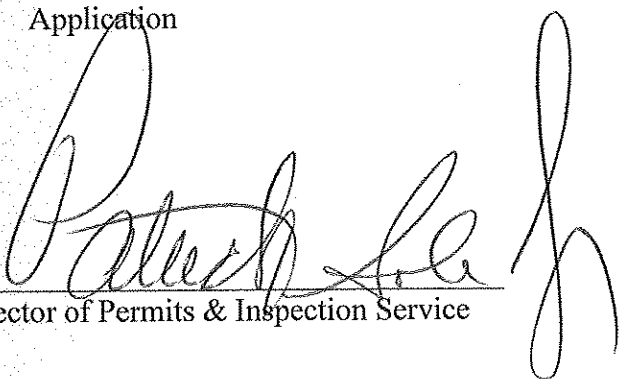
JC:PS:jd

Interdepartmental Memo

Date: February 7, 2011
To: James Comerford, Interim Commissioner
From: Patrick Sole Jr., Director of Permits & Inspection Services
RE: Common Council Communication **Lodging House** at 443 Forest Ave.

Per City of Buffalo Ordinance Chapter 254, the following is a check list of requirements for a **Lodging House License** application to the Common Council:

- ☒ Zoning Office
- ☒ Fire Prevention
- ☒ Building Inspection
- ☒ Police Department
- ☒ Health Department
- ☒ Lodging House Agent License
- ☐ Application



Director of Permits & Inspection Service

2/7/11

Date



Byron W. Brown
Mayor

CITY OF BUFFALO
Department of Permit & Inspection Services
Office of Licenses



James Comerford
Commissioner

LODGING HOUSE AGENT LICENSE LICENSE

License Number
554833

EDWARD MCCARRICK

443 FOREST AVE BUFFALO, NY 14213

NO INDIVIDUAL SHALL BE PERMITTED TO SERVE AS AGENT AS PROVIDED IN THIS CHAPTER WITHOUT FIRST OBTAINING A LICENSE FROM THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND PERMIT AND INSPECTION SERVICES UPON THE APPROVAL OF THE COMMISSIONER IN ACCORDANCE WITH CITY OF BUFFALO ORDINANCE CHAPTER 269-5.

PROPERTY OWNER'S NAME: NANCY SINGH
NUMBER OF ROOMING UNITS: 28

Fee: \$30.00
Date Issued: 2/1/2011
Date Expires: 2/1/2012

Director of Permit & Inspection Services

License holder is responsible for renewal of license within 30 days of expiration date.

THIS LICENSE IS NON-TRANSFERRABLE

81

CITY OF BUFFALO
OFFICE OF LICENSES
313 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: HOUSING PROPERTY INS

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: 443 FOREST AVENUE LLC

LICENSE TYPE: LODGING HOUSE

NEW LICENSE 2009

BUSINESS ADDRESS: 443 FOREST
BUSINESS PHONE: 716-
COUNCIL DISTRICT: NO
POLICE DISTRICT: 00
APPLICANT NAME: NANCY SINGH
APPL. PHONE: -
APPLICATION NUMBER: 552910
REFERRAL DATE: 12/02/2008

REMARKS: 3RD REQUEST

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

NUMBER OF BEDS

26

APPROVED

DATE: 4/14/08 1/15/09

DISAPPROVED

DATE: _____

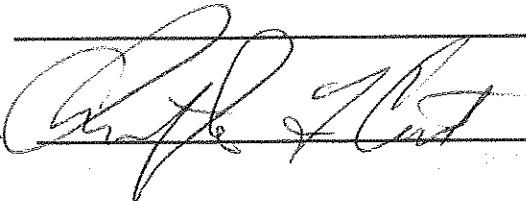
DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR



RM#

304

EXT

4058

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

CITY OF BUFFALO
OFFICE OF LICENSES
313 CITY HALL
BUFFALO, NEW YORK 14202

88

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: 443 FOREST AVENUE LLC

LICENSE TYPE: LODGING HOUSE

NEW LICENSE 2009

BUSINESS ADDRESS: 443 FOREST
BUSINESS PHONE: 716-
COUNCIL DISTRICT: NO
POLICE DISTRICT: 00
APPLICANT NAME: NANCY SINGH
APPL. PHONE: -
APPLICATION NUMBER: 552910
REFERRAL DATE: 12/02/2008

REMARKS: 3RD REQUEST

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

NUMBER OF BEDS

26

APPROVED

DATE:

1/15/09

DISAPPROVED

DATE:

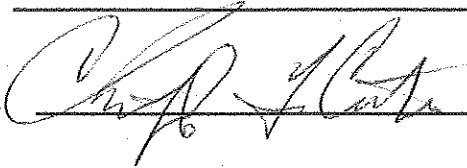
DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR



RM#

304

EXT

4038

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

CITY OF BUFFALO
OFFICE OF LICENSES
313 CITY HALL
BUFFALO, NEW YORK 14202

89

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: FIRE PREVENTION

REFERRED TO: LT. POCZKALSKI

APPLICATION FOR: 443 FOREST AVENUE LLC

LICENSE TYPE: LODGING HOUSE

NEW LICENSE 2009

BUSINESS ADDRESS: 443 FOREST

BUSINESS PHONE: 716-

COUNCIL DISTRICT: NO

POLICE DISTRICT: 00

APPLICANT NAME: NANCY SINGH

APPL. PHONE: 440-3593

APPLICATION NUMBER: 552910

REFERRAL DATE: 12/02/2008

ED 884-3269

REMARKS: 4TH REQUEST

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

NUMBER OF BEDS

APPROVED

DATE: 2/1/11

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR LT. Poczkal RM# EXT

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

AppSlip2.rpt

1239

OFFICES OF LICENSES
301 CITY HALL
BUFFALO, NEW YORK 14202
851-4078

90

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: ERIE COUNTY HEALTH DEPARTMENT

LICENSE TYPE: LODGING HOUSE LICENSE

EXPIRATION YEAR: 2012 RENEWAL

REFERRAL DATE: December 28, 2010

LHM 552910
443 FOREST AVENUE LLC
NANCY SINGH
443 FOREST

716-

APPROVED

DATE:

1/12/11

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR:

J. Singh

RM#

EXT

AFTER INSPECTION IS COMPLETED RETURN
REFERRAL TO OFFICE OF LICENSES. ATT: JUDY

inspappvlrequestheafomLHM

(D)

91

CITY OF BUFFALO
OFFICES OF LICENSES
301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER & CAPTAIN

LICENSE TYPE: LODGING HOUSE RENEWAL

EXPIRATION YEAR: 2012

REFERRAL DATE: December 28, 2010 *cd 11-022-0640*

LHM 552910
443 FOREST AVENUE LLC
NANCY SINGH
443 FOREST

716-

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: *01-22-2011 MBellings*

DISAPPROVED

DATE: _____

REMARKS: *Reopened Inspection*

DISTRICT CAPTAIN: *[Signature]*

APPROVED

DATE: *1/22/11*

DISAPPROVED

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: _____

COMM OF POLICE: *Charles Tomaszewski*

AFTER INSPECTION IS COMPLETED RETURN
REFERRAL TO THE OFFICE OF LICENSES. ATT: JUDY

BUFFALO POLICE
DEPARTMENT

P-147C (REV. 3/96)

2009 FEB -2 PM 2:43

APPLICATION RELEASE FORM

TO BE MAILED TO:

Buffalo Police Department
Identification Section
74 Franklin Street
Buffalo, New York 14203

51929

There is a \$10.00 fee to process this data. By mail, payment **MUST** be made by money order. **DO NOT** send cash through the mail. In person, payment can be made by money order or cash. Checks are not accepted. Make money order payable to the Buffalo Police Department.

Be sure to include a stamped, self-addressed envelope so that this information can be mailed to you. Complete all the information listed below and have your identification and signature verified by a Notary Public (or) Commissioner of Deeds, as listed on the bottom of this application. Without total compliance to these instructions, you **WILL NOT** receive the requested information.

ALL SIGNATURES MUST BE ORIGINAL

NAME OF APPLICANT: Nancy Singh /MAIDEN NAME Jendrowske
 SEX F RACE C
 CURRENT ADDRESS: 526 Ashland Ave
 DATE OF BIRTH: 01/15/1978
 SOCIAL SECURITY #: 123-45-6789
 REASON FOR REQUEST: Forging House License

SIGNATURE OF APPLICANT Nancy SinghDATE 2/2/09

STATE OF NEW YORK)
 COUNTY OF ERIE) SS.
 CITY OF BUFFALO)

On the 2nd day of February, 2009, before me personally appeared

Nancy Singh, to me known to be the same person described in, and who executed the foregoing instrument and acknowledged the execution thereof.

St. Helen K. Masco
 Notary Public / Commissioner of Deeds

***** TO BE COMPLETED BY IDENTIFICATION SECTION PERSONNEL *****

☐ RECORD ATTACHED☒ NO RECORD ON FILEVERIFIED BY: St. Helen K. MascoDATE VERIFIED 2/2/09

NOTE: USE OF THIS INFORMATION IS NOT BASED ON FINGERPRINT IDENTIFICATION. DO NOT RETAIN AFTER 60 DAYS FROM DATE VERIFIED. NOT VALID UNTIL STAMPED.

OFFICE OF LICENSES
313 CITY HALL
BUFFALO, NEW YORK 14202
(716) 851-4078

244
552910

93

LODGING HOUSE LICENSE APPLICATION

Date OCTOBER 25 2008

LODGING HOUSE ADDRESS 443 FOREST AVENUE BUFFALO NEW YORK
(No., Street) (City, Town or Village) (State) (Zip Code)

Owner Name 443 FOREST AVENUE LLC Home Phone # _____

Owner Address 526 ASHLAND AVENUE BUFFALO NY 14222
(No., Street) (City, Town or Village) (State) (Zip Code)

Owner Date of Birth ~~2-12-68~~ Place of Birth BfLo

Number of Rooming Units 26 Total Number of Beds Applied for 26

Location of Rooms 1st + 2nd floor Total Number of Beds 26

Number of Rooms 26 Number of persons occupying each Rooming Unit 1

AS PER CHAPTER 269-2(B) OF THE CITY ORDINANCES, NO LICENSE WILL BE ISSUED UNLESS THE OWNER OR THE AGENT OF THE PROPERTY RESIDES ON THE PREMISES OF THE LODGING HOUSE

ADDITIONAL REQUIREMENTS:

Name of Lodging House Agent: AGENT - Timothy Brown - Unit #9

Agent Phone # _____
on file + has agreed to continue as agent 11/5/08

Two (2) Photos of Owner

Police Record Check

Proof of Residence (drivers licenses, voter registration card or other evidence acceptable by the Commissioner)

[Signature]
Applicant Signature

Suscribed and sworn to before me this 19th

Day of November 20 08
[Signature]

Commissioner of Deeds in and for the
City of Buffalo, New York

Fees: 0-15 Beds \$ 71.00
16-25 Beds 118.00
over 25 Beds 118.00 + \$2.50
each additional bed

LHM Appl

JAY A. POHLMAN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Jan. 31, 20 2010

1/2
TWA
17936

Communication to the Common Council

To: **The Common Council:**Date: **February 14, 2011**From: **Department** Department of Permit & Inspection Services**Division** Office of Licenses**Subject:** **[: Sidewalk Café**
752 Elmwood Avenue
[: New OwnerPrior Council Reference: (If any) **[:**Ext. Item No. xxx, C.C.P. xx/xx/xx:

Pursuant to Chapter 150 of the City of Buffalo Ordinance please be advised that I have examined the attached application for a Sidewalk Café License located at **752 Elmwood Avenue** and find that as to form is correct. This Sidewalk Café had been previously approved by the Common Council. I find it complies with all regulations and other applicable laws. The attached application is thereto for **Wasabi Japanese Restaurant**. This request is submitted for your approval or whatever action you deem appropriate.

Signature of Department Head:

Department Head Name:

James Comerford, Jr. Commissioner

JC:cap

#1 (Rev. 01/1993)



CITY OF BUFFALO

PERMIT & INSPECTION SERVICES

OFFICE OF LICENSES

65 Niagara Square 301 City Hall
Buffalo NY 14202

(716) 851-4078 / FAX (716) 851-4952



BRYON W. BROWN
Mayor

JAMES COMERFORD, Jr.
Commissioner

APPLICATION for a SIDEWALK CAFÉ

Applicant Name

WASABI CHEN Benshun
~~WASABI Japanese Restaurant~~

Date

1/25/

Business Name

Wasabi Japanese Restaurant

Phone

716 887 8388

Phone

Business Address

752 Elmwood

Buffalo

NY 14222

street

city

state

zip

Requirements:

1. Applicant has a **Restaurant License**. (Restaurant License Number _____)
2. **General Liability Insurance**. Certificate holder must be the City of Buffalo, City Hall, Office of Licenses Room 313, Buffalo NY 14202 as the policy holder with a ten (10) day cancellation clause.
3. **Dimensions of the café** 11.16 x 7.9 = 91 sq ft Number of tables _____ Number of chairs 6
4. **Describe method of installing café boundaries** (ex. wooden deck with railings, wrought iron railings, flower boxes with rope attached). Café may not be permanently affixed to the main building or the public sidewalk.

Railings

5. **Provide a drawing of the proposed café**. Show the existing building, the area to be occupied by the café, and the area of public sidewalk remaining for pedestrian passage. A **minimum of four feet of uninterrupted public sidewalk** must exist after installation of the café. Use the reverse side if needed.

Previous owner

5200 834

Subscribed and sworn before me this

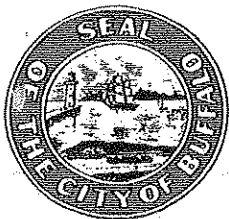
25 day of Jan 2011

Catherine A. Perry
Commissioner of Deeds in and for the City of Buffalo

CHEN BEN SHUN

Applicant Signature

Signature of owner of building, if different than applicant



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: DAVE GRUNDY

APPLICATION FOR: WASABI JAPANESE RESTAURANT

LICENSE TYPE: SIDEWALK CAFE

NEW LICENSE 2011

BUSINESS ADDRESS: 752 ELMWOOD

BUSINESS PHONE: (716) 887-8388

COUNCIL DISTRICT: DE

POLICE DISTRICT: 05

APPLICANT NAME: BENSHUN CHEN

APPL. PHONE: (718) 737-2930

APPLICATION NUMBER: 560834

REFERRAL DATE:

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

SQUARE FOOTAGE

APPROVED

DATE: 2/14/11

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR

David Grundy

RM#

301

EXT

4932

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

AppSlip2.rpt

Mr. Fontana moved:

That the above communication from the Department of Permit and Inspection Services dated February 14, 2011, be received and filed; and

That pursuant to Chapter 150 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to grant a Sidewalk Café License to Chen Ben Shun d/b/a Wasabi Japanese Restaurant, located at 752 Elmwood Avenue.

Passed

* AYE * NO *

| | | | | |
|----------|---|---|-----|---|
| | | | | * |
| FONTANA | * | * | * | * |
| FRANCZYK | * | * | * | * |
| GOLOMBEK | * | * | * | * |
| KEARNS | * | * | * | * |
| LOCURTO | * | * | * | * |
| PRIDGEN | * | * | * | * |
| RIVERA | * | * | * | * |
| RUSSELL | * | * | * | * |
| SMITH | * | * | * | * |
| | * | * | * | |
| | * | 9 | * 0 | * |
| | * | * | * | * |
| | * | * | * | * |

Maj - 5
2/3 - 6
3/4 - 7

To: The Common Council:

Date: January 27, 2011

99

From: Department of Economic Development, Permit & Inspection ServicesDivision: Office of LicensesSubject: [: **Used Car Dealer**
[: **116 Myrtle Ave (Ellicott)**
[:
[:| Type in Upper and |
| Lower Case Only |Prior Council Reference: (If Any) [:
Ext. (Item No. xxx, C.C.P. xx/xx/xx):
Text (Type Single Space Below):

Pursuant to Chapter 254 of the City of Buffalo Ordinances, please be advised that I have examined the attached application for a Used Car Dealer License located at **116 Myrtle Ave** and find that as to form is correct. I have caused an investigation into the premises for which said application for a used car dealer license is being sought and according to the attached reports from the Zoning Office, Fire Department and Building Inspections; I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Roberto Leon. The attached thereto for Roberto Leon dba/ Leons Auto Sales & Service. This request is submitted for your approval or whatever action you deem appropriate.

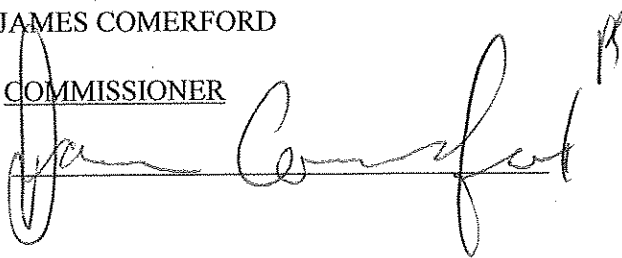
**REFERRED TO THE COMMITTEE
ON LEGISLATION.**

Type Department Head Name: JAMES COMERFORD

Type Title: COMMISSIONER

Signature of Department Head:

JC:PS:jad



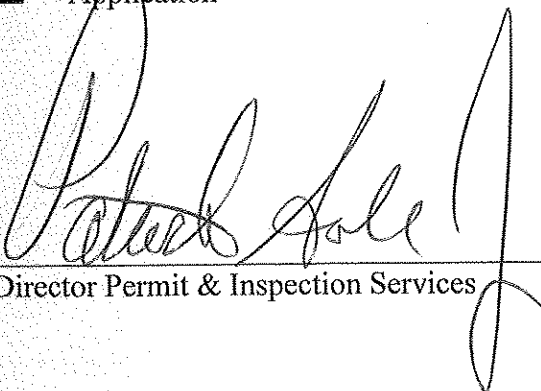
21

Interdepartmental Memo

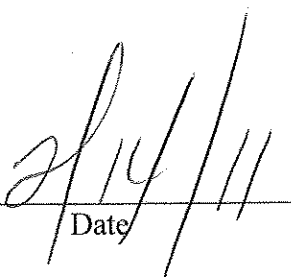
Date: January 27, 2011
To: James Comerford, Commissioner
From: Patrick Sole Jr., Director of Permits & Inspection Services
RE: Common Council Communication **Used Car Dealer** at 116 Myrtle

Per City of Buffalo Ordinance Chapter 254, the following is a check list of requirements for **Used Car Dealer License** application to the Common Council:

- ☒ Zoning Office
- ☒ Fire Prevention
- ☒ Building Inspection
- ☒ Police Department
- ☒ Police Record Check
- ☐ Application



Director Permit & Inspection Services



Date



CITY OF BUFFALO
OFFICE OF LICENSES
301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: FIRE PREVENTION

REFERRED TO: LT. POCZKALSKI

APPLICATION FOR: LEON'S AUTO SALES & SERVICE

LICENSE TYPE: USED CAR DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 116 MYRTLE
BUSINESS PHONE: (716) 856-4582
COUNCIL DISTRICT: EL
POLICE DISTRICT:
APPLICANT NAME: ROBERTO LEON
APPL. PHONE: () -
APPLICATION NUMBER: 560075
REFERRAL DATE: 10/21/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

MAX. NO. OF VEHICLES ALLOWED

8

APPROVED

DATE: 1-12-11

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR

W. J. Hubler

RM#

EXT

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: HOUSING PROPERTY INS

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: LEON'S AUTO SALES & SERVICE

LICENSE TYPE: USED CAR DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 116 MYRTLE

BUSINESS PHONE: (716) 856-4582

COUNCIL DISTRICT: EL

POLICE DISTRICT:

APPLICANT NAME: ROBERTO LEON

APPL. PHONE: () -

APPLICATION NUMBER: 560075

REFERRAL DATE: 10/21/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

MAX. NO. OF VEHICLES ALLOWED _____

APPROVED

DATE: 10-28-10

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: _____

INSPECTOR

K Fitzgerald

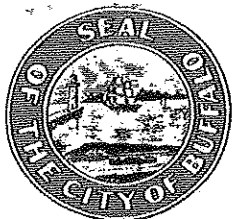
RM#

301

EXT

4382

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: LEON'S AUTO SALES & SERVICE

LICENSE TYPE: USED CAR DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 116 MYRTLE
BUSINESS PHONE: (716) 856-4582
COUNCIL DISTRICT: EL
POLICE DISTRICT:
APPLICANT NAME: ROBERTO LEON
APPL. PHONE: 0 -
APPLICATION NUMBER: 560075
REFERRAL DATE: 10/21/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

MAX. NO. OF VEHICLES ALLOWED _____

APPROVED

DATE: 10-28-10

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: _____

INSPECTOR

K. Fitzgerald

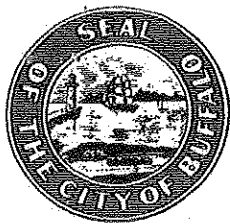
RM#

304

EXT

4382

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: LEON'S AUTO SALES & SERVICE

LICENSE TYPE: USED CAR DEALER 085 NEW LICENSE 2011
BUSINESS ADDRESS: 116 MYRTLE
BUSINESS PHONE: (716) 856-4582
COUNCIL DISTRICT: EL
POLICE DISTRICT:
APPLICANT NAME: ROBERTO LEON
APPL. PHONE: () -
APPLICATION NUMBER: 560075
REFERRAL DATE: 10/21/2010

REMARKS: 3rd request

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 1-6-2011.

DISAPPROVED

DATE:

REMARKS:

DISTRICT CAPTAIN:

CAPTAIN: Henry Baranski

APPROVED

DATE: 1-6-2011.

DISAPPROVED

DATE:

***REASON FOR DISAPPROVAL MUST BE STATED BELOW ***

REMARKS:

COMM. OF POLICE:

Charles Tomaszewski

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.

APPLICATION RELEASE FORM

TO BE MAILED TO:

Buffalo Police Department
 Identification Section
 74 Franklin Street
 Buffalo, New York 14202

BUFFALO NY ARREST HISTORY ONLY.
DOES NOT CONTAIN OTHER AGENCY ARRESTS

There is a \$10.00 fee to process this data. By mail, payment **MUST** be made by money order. **DO NOT** send cash through the mail. In person, payment can be made by money order or cash. Checks are not accepted. Make money order payable to the Buffalo Police Department.

Be sure to include a stamped, self-addressed envelope so that this information can be mailed to you. Complete all the information listed below and have your identification and signature verified by a Notary Public (or) Commissioner of Deeds, as listed on the bottom of this application. Without total compliance to these instructions, you **WILL NOT** receive the requested information.

ALL SIGNATURES MUST BE ORIGINAL

NAME OF APPLICANT: Roberto Leon R /MAIDEN NAME _____
 SEX M RACE HISPANIC
 CURRENT ADDRESS: 285 SWAN ST Buffalo NY 14204
 DATE OF BIRTH: _____
 SOCIAL SECURITY # _____
 REASON FOR REQUEST Business License Application

SIGNATURE OF APPLICANT Roberto LeonDATE 9-29-10

STATE OF NEW YORK)
 COUNTY OF ERIE) SS.
 CITY OF BUFFALO)

On the 29th day of September, 20 10, before me personally appeared

Roberto R Leon, to me known to be the same person described in, and who executed the foregoing instrument and acknowledged the execution thereof.

RT. Laurie A. Piazza
 Notary Public / Commissioner of Deeds

* 12/31/2010

***** TO BE COMPLETED BY IDENTIFICATION SECTION PERSONNEL *****

☒ RECORD ATTACHED

☐ NO RECORD ON FILE

VERIFIED BY: RT. Laurie A. PiazzaDATE VERIFIED 9/29/10

NOTE: USE OF THIS INFORMATION IS NOT BASED ON FINGERPRINT IDENTIFICATION. DO NOT RETAIN AFTER 60 DAYS FROM DATE VERIFIED. NOT VALID UNTIL STAMPED.

1036

**BUFFALO POLICE DEPARTMENT
CRIMINAL BACKGROUND REPORT**

DATE OF INQUIRY: **09/29/2010 13:46:2**

NOTE: THE FOLLOWING CRIMINAL HISTORY REPORT INCLUDES BUFFALO POLICE DEPARTMENT ARRESTS ONLY. ARRESTS BY AGENCIES OUTSIDE THE CITY OF BUFFALO ARE NOT INCLUDED IN THIS REPORT.

NAME: **CANDELARIO, ROBERTO** DATE OF BIRTH: RACE: **Black** SEX: **M**

ADDRESS: **35 FILLMORE AV BUFFALO, NY BUFFALO, NY**

SOCIAL SECURITY #: PCN: **06892400** NYSID:

BOOKING/ALIAS NAMES:

CANDELARIO, ROBERTO

LEON, ROBERTO R

WARRANT/WANT INQUIRY - REFER TO

WARRANT #:

THIS REPORT DOES NOT INCLUDE ANY SEALED OR JUVENILE ARRESTS.

THIS RECORD SEARCH IS BASED UPON INFORMATION RECEIVED FROM THE APPLICANT LISTED ABOVE.

USE OF THIS INFORMATION IS REGULATED BY LAW. BY LAW, NO INFORMATION MAY BE GIVEN FOR ANY JURISDICTION OUTSIDE ERIE COUNTY, NEW YORK STATE, AND/OR FEDERAL RECORD DATA FILES.

ADDITIONALLY, THE BUFFALO POLICE DEPARTMENT CANNOT RELEASE ARREST RECORDS FOR ANY OTHER ERIE COUNTY POLICE AGENCY.

| ARREST DATE CHARGE | REFERENCING AGENCY DISPOSITION |
|-----------------------|-------------------------------------|
| 04/13/1996 | BUFFALO POLICE DEPARTMENT |
| PL 140.35 | REFER TO: BUFFALO POLICE DEPARTMENT |
| PL 165.09 01 | REFER TO: BUFFALO POLICE DEPARTMENT |
| PL 165.05 | REFER TO: BUFFALO POLICE DEPARTMENT |
| PL 165.45 05 | REFER TO: BUFFALO POLICE DEPARTMENT |
| 11/13/2002 | BUFFALO POLICE DEPARTMENT |
| PL 240.26 01 | REFER TO: BUFFALO POLICE DEPARTMENT |
| 03/03/2004 | BUFFALO POLICE DEPARTMENT |
| PL 240.26 01 | REFER TO: BUFFALO POLICE DEPARTMENT |
| PL 120.00 01 | REFER TO: BUFFALO POLICE DEPARTMENT |

Disposition -

*CITY COURT
SU Release*

09/29/2010 PM 1:40

NOTE: SECONDARY DISSEMINATION OF THIS INFORMATION IS PROHIBITED.
IF UPDATED INFORMATION IS NEEDED, A NEW INQUIRY SHOULD BE MADE.



OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

FRANK A. SEDITA, III
DISTRICT ATTORNEY

10/14/2010

Mr. Roberto Leon
285 Swan St.
Buffalo, NY 14204

Re: People v. Candelario, Roberto AKA Leon, Roberto
Indictment/Docket No. 96F07236
Date of Offense: 4/13/1996

To Whom It May Concern:

In response to your inquiry, a review of our records indicates that on 7/11/1996, this case was Not Prosecuted in this office.

Very Truly Yours,

FRANK A. SEDITA, III
DISTRICT ATTORNEY

Cynthia L. Edington
BY: Cynthia L. Edington
Clerk Typist

FAS/cle



CITY COURT

City of Buffalo NEW YORK

CITY COURT OF BUFFALO
COUNTY OF ERIE

The people of the State of New York
VS

Roberto Candelario AKA Roberto Leon
Defendant

780 Seneca St - Bldg. 7
Address

[REDACTED] m
Date of Birth Sex

4-13-96
Arrest Date Precinct Arrest Number

Docket # 96F 7236

NYSID # 826 9406 P

Date 2-9-11

Judge
Presiding
Hon. Troutman

Charges 165.45, 140.35,
165.09, 165.05 PL

In the name of the People of the State of New York.

- () To the Commissioner of the Division of Criminal Justice Services
- () To the Commissioner of the Dept. of Correction
- () To the District Attorney of the County of Erie
- () To the Police Commissioner of the City of Buffalo
- () To the Sheriff of the County of Erie

() _____

() _____

The above-captioned Criminal proceedings having on 7-11 1996,

been terminated in favor of the person named therein in accordance with
subdivision 2 of Section 160.50 of the Criminal Procedure Law, it is,

O R D E R E D

That the provisions of Section 160.50 of the Criminal Procedure Law be complied
with,

A true extract from the minutes

~~Attorney of Record~~

Name: almon dylt.

Address: _____

Sharon G. Thomas

COURT CLERK, (Signature)
Criminal Records Division
City Court of Buffalo



CITY COURT

City of Buffalo

NEW YORK

CITY COURT OF BUFFALO
COUNTY OF ERIE

Duplicate
Order to Seal
160.50 CPL

109

The people of the State of New York
vs

Roberto R. Leon

Defendant

35 Fillmore - Bflo, ny
Address

[REDACTED]
Date of Birth

m
Sex

3-3-04

Arrest Date Precinct Arrest Number

Docket # 04m 3107

NYSID # 08269406 P

Date 2-9-11

Judge
Presiding
Hon.

LoVallo

Charges 120.00, 240.26 PL

In the name of the People of the State of New York.

- () To the Commissioner of the Division of Criminal Justice Services
- () To the Commissioner of the Dept. of Correction
- () To the District Attorney of the County of Erie
- () To the Police Commissioner of the City of Buffalo
- () To the Sheriff of the County of Erie

() _____

() _____

The above-captioned Criminal proceedings having on 6-3 2004,

been terminated in favor of the person named therein in accordance with
subdivision 2 of Section 160.50 of the Criminal Procedure Law, it is,

ORDERED

That the provisions of Section 160.50 of the Criminal Procedure Law be complied
with,

A true extract from the minutes

~~Attorney of Record~~

Name: above dft.

Address: _____

Sharon G. Thomas
COURT CLERK, (Signature)
Criminal Records Division
City Court of Buffalo



CITY COURT

City of Buffalo

NEW YORK

CITY COURT OF BUFFALO
COUNTY OF ERIEDuplicate
Order to Seal
160.50 CPLThe people of the State of New York
VSRobert Leon AKA Roberto Candelario
Defendant35 Fillmore - Bflo, NY
Address11-13-02 M
Date of Birth SexDocket # 02V 18674NYSID # —Date 2-9-11Judge
Presiding
Hon. DevlinCharges 240.26 PL11-13-02
Arrest Date Precinct Arrest Number

In the name of the People of the State of New York.

- (☒) To the Commissioner of the Division of Criminal Justice Services
- (☐) To the Commissioner of the Dept. of Correction
- (☒) To the District Attorney of the County of Erie
- (☒) To the Police Commissioner of the City of Buffalo
- (☐) To the Sheriff of the County of Erie

() _____

() _____

The above-captioned Criminal proceedings having on 1-21 2003,been terminated in favor of the person named therein in accordance with
subdivision 2 of Section 160.50 of the Criminal Procedure Law, it is,

O R D E R E D

That the provisions of Section 160.50 of the Criminal Procedure Law be complied
with,

A true extract from the minutes

Attorney of Record

Name: above dept.

Address: _____

Sharon G. ThomasCOURT CLERK, (Signature)
Criminal Records Division
City Court of Buffalo

CITY OF BUFFALO



65 Niagara Sq. City Hall Room 301 Buffalo, NY 14202
Phone (715) 851-4078 Fax (716) 851-4952

All information on this form is public record

BUSINESS LICENSE APPLICATION

OCT 14 2010

360075

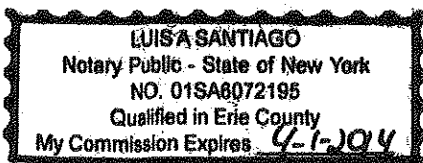
| | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Used Car Dealer <input type="checkbox"/> Second Hand Dealer <input type="checkbox"/> Scrap Processor <input type="checkbox"/> Wholesale Junk Dealer | <div style="border: 1px solid black; border-radius: 50%; padding: 2px; display: inline-block;"> fee \$262.50 </div> \$118.00 \$ 78.75 \$262.50 | <input type="checkbox"/> Tire Handler I 10 -1000 tires <input type="checkbox"/> Tire Handler II over 1000 tires; Include NYS Environmental Conservation Law Part 360; Storage plan and General Liability Insurance at least \$50,000 both for personal injury and property damage, must contain 10 day cancellation clause with the certificate holder as City of Buffalo, Office of Licenses Room 301, Buffalo NY 14202 | <div style="border: 1px solid black; border-radius: 50%; padding: 2px; display: inline-block;"> fee \$118.00 </div> \$118.00 \$262.50 | Tire Storage Information Inside Storage ____ yes ____ no Outside Storage ____ yes ____ no | <input type="checkbox"/> Flee Market 1-10 tables \$ 78.75 11-25 tables \$155.00 +26 tables \$210.00 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|

Corporation Name Roberto Leon **Business Phone** (716) 856-4582
Business Name (dba) LEONS AUTO SALES & SERVICE **Business Fax** () ____
Business Address (no PO Box) 116 Myrtle Ave Buffalo NY 14204
Mailing Address (if different) _____
NYS Tax ID # TF2242684 **Business Website** _____ **E-Mail** _____
Owner(s)/ Principal Partners
Applicant (last, first) Roberto Leon **Home Phone** _____
Home Address: (PO Box not acceptable) 285 Swan St
Date of birth [REDACTED] **Place of Birth** Puerto Rico
Co-Applicant (last, first) _____ **Home Phone** _____
Home Address: (PO Box not acceptable) _____
Date of birth _____ **Place of Birth** _____
Describe your specific business activity in detail. USED CAR DEALER

Subscribed and sworn to before me
this 10 day of Oct 20 10
[Signature]
Commissioner of Deeds in and for the
City of Buffalo, New York

I am aware of the obligation to provide timely notice of any change in required information, and I have informed all owners, managers, or other principals of their criminal and/or civic responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business.

As an authorized agent of the entity identified above, I certify the information on this form is true, correct, complete and current to the best of my knowledge and belief.



Print Name ROBERTO R. LEON
Signature [Signature]

Date 10/1/10

00022

To: The Common Council:

Date: February 15, 2011

From: Department of Economic Development, Permit & Inspection ServicesDivision: Office of LicensesSubject: [: Used Car Dealer
[: 1570 South Park (South)
[:
[:Type in Upper and
Lower Case Only

Prior Council Reference: (If Any) [:

Ext. (Item No. xxx, C.C.P. xx/xx/xx):

Text (Type Single Space Below):

Pursuant to Chapter 254 of the City of Buffalo Ordinances, please be advised that I have examined the attached application for a Used Car Dealer License located at **1570 South Park** and find that as to form is correct. I have caused an investigation into the premises for which said application for a used car dealer license is being sought and according to the attached reports from the Zoning Office, Fire Department and Building Inspections; I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Donald Smukall. The attached thereto for Donald Smukall dba/ Smukall Performance Automotive. This request is submitted for your approval or whatever action you deem appropriate.

Type Department Head Name: JAMES COMERFORDType Title: COMMISSIONERSignature of Department Head:

JC:PS:jad

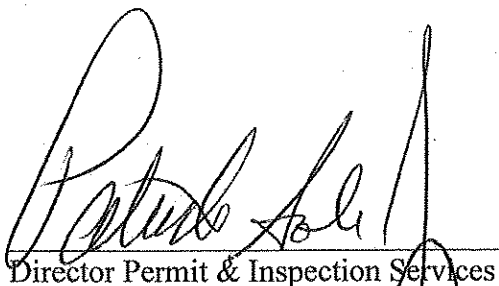
22

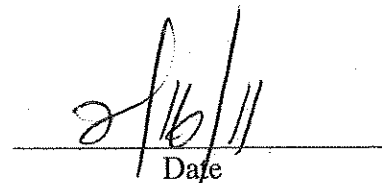
Interdepartmental Memo

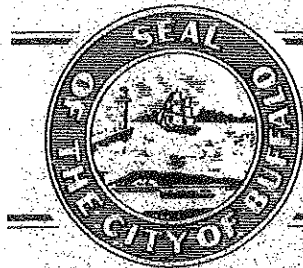
Date: February 15, 2011
To: James Comerford, Commissioner
From: Patrick Sole Jr., Director of Permits & Inspection Services
RE: Common Council Communication **Used Car Dealer** at 1570 South Park

Per City of Buffalo Ordinance Chapter 254, the following is a check list of requirements for **Used Car Dealer License** application to the Common Council:

- ☒ Zoning Office
- ☒ Fire Prevention
- ☒ Building Inspection
- ☒ Police Department
- ☒ Police Record Check
- ☒ Application


Director Permit & Inspection Services


Date



CITY OF BUFFALO

Certificate of Occupancy

CERTIFICATE OF COMPLIANCE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PERMIT AND INSPECTION SERVICES

Certificate No.: 3714
Location: 1570 South Park
Building Permit: 38917 Issued 10/30/1946
Building Class: Type 3b Ordinary Unprotected
Occupancy: B, S!, Used car sales and service and storage

This certifies that the building and/or premises indicated above conforms substantially to the approved plans and specifications heretofore filed in this office and to all requirements of the applicable provisions of the law insofar as the same is covered by the above building permit(s).

Issued pursuant to Section 511-119 of the Ordinances of the City of Buffalo.

Date of Issuance: 9/27/2010

By James W. Comerford Jr.
JAMES W. COMERFORD JR.
COMMISSIONER, PERMIT AND INSPECTION SERVICES

SEE REVERSE SIDE



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: SMUKALL PERFORMANCE AUTOMOTIVE

LICENSE TYPE: USED CAR DEALER

085

BUSINESS ADDRESS: 1570 SOUTH PARK
BUSINESS PHONE: (716) 824-7628
COUNCIL DISTRICT: SO
POLICE DISTRICT: 15
APPLICANT NAME: DONALD SMUKALL
APPL. PHONE: (716) 824-4847
APPLICATION NUMBER: 560829
REFERRAL DATE: 01/27/2011

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 2-3-2011.

DISAPPROVED

DATE:

REMARKS:

DISTRICT CAPTAIN:

Capt. Henry Baranski

APPROVED

DATE:

2-3-2011.

DISAPPROVED

DATE:

***REASON FOR DISAPPROVAL MUST BE STATED BELOW ***

REMARKS:

COMM. OF POLICE:

Charles Tomaszewski

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.

AppSlip2.rpt

2-12-2011 * THE CHARGES ATTACHED ARE FROM:
1970 AND APPEAR TO BE OF A
RELATIVELY MINOR NATURE.
CAPTAIN: Henry Baranski

APPLICATION RELEASE FORM

BUFFALO POLICE
DEPARTMENT

TO BE MAILED TO:

Buffalo Police Department
Identification Section
74 Franklin Street
Buffalo, New York 14202

2011 JAN 14 PM 1:18

There is a \$10.00 fee to process this data. By mail, payment **MUST** be made by money order. **DO NOT** send cash through mail. In person, payment can be made by money order or cash. Checks are not accepted. Make money order payable to the Buffalo Police Department.

Be sure to include a stamped, self-addressed envelope so that this information can be mailed to you. Complete all the information listed below and have your identification and signature verified by a Notary Public (or) Commissioner of Deeds, listed on the bottom of this application. Without total compliance to these instructions, you **WILL NOT** receive the request information.

ALL SIGNATURES MUST BE ORIGINAL

NAME OF APPLICANT: Don Smukall /MAIDEN NAME _____
SEX Male RACE White
CURRENT ADDRESS: 1581 S. Park Ave Buffalo, NY 14220
DATE OF BIRTH: [REDACTED]
SOCIAL SECURITY # _____
REASON FOR REQUEST I want to sell used cars at my building located at 1570 S. Park, Buffalo, NY 14220, applying for license city of Buffalo

SIGNATURE OF APPLICANT

Donald Smukall

DATE

Jan. 11, 2011

STATE OF NEW YORK)
COUNTY OF ERIE) SS.
CITY OF BUFFALO)

On the 11th day of January, 20 11, before me personally appeared

Donald Smukall, to me known to be the same person described in, and who executed the foregoing instrument and acknowledged the execution thereof.

JESSE J. BESTINE
Notary Public, State of New York
Registration # 018893
Qualified in _____ County

My Commission Expires February 13, 2014

Notary Public / Commissioner of Deeds

***** TO BE COMPLETED BY IDENTIFICATION SECTION PERSONNEL *****



RECORD ATTACHED



NO RECORD ON FILE

VERIFIED BY:

Robb M. Cowcher

DATE VERIFIED

1-14-11

NOTE: USE OF THIS INFORMATION IS NOT BASED ON FINGERPRINT IDENTIFICATION. DO NOT RETAIN AFTER 60 DAYS FROM DATE VERIFIED. NOT VALID UNTIL STAMPED.

117

**BUFFALO POLICE DEPARTMENT
CRIMINAL BACKGROUND REPORT**

DATE OF INQUIRY: 01/14/2011 13:4

NOTE: THE FOLLOWING CRIMINAL HISTORY REPORT INCLUDES BUFFALO POLICE DEPARTMENT ARRESTS ONLY. ARRESTS BY AGENCIES OUTSIDE THE CITY OF BUFFALO ARE NOT INCLUDED IN THIS REPORT.

NAME: **SMUKALL, DONALD J** DATE OF BIRTH: **11/7/1953** RACE: **White** SEX: **M**
ADDRESS: **1581 SO PARK AVE 00000 , 00000**
SOCIAL SECURITY #: PCN: **00175700** NYSID:
BOOKING/ALIAS NAMES:
 SMUKALL, DONALD J
WARRANT/WANT INQUIRY - REFER TO WARRANT #:

THIS REPORT DOES NOT INCLUDE ANY SEALED OR JUVENILE ARRESTS.
THIS RECORD SEARCH IS BASED UPON INFORMATION RECEIVED FROM THE APPLICANT LISTED ABOVE.
USE OF THIS INFORMATION IS REGULATED BY LAW. BY LAW, NO INFORMATION MAY BE GIVEN FOR ANY
JURISDICTION OUTSIDE ERIE COUNTY, NEW YORK STATE, AND/OR FEDERAL RECORD DATA FILES.
ADDITIONALLY, THE BUFFALO POLICE DEPARTMENT CANNOT RELEASE ARREST RECORDS FOR ANY OTHER
ERIE COUNTY POLICE AGENCY. -

| ARREST DATE | REFERENCING AGENCY |
|-------------------|-------------------------------------|
| CHARGE | DISPOSITION |
| 12/25/1970 | BUFFALO POLICE DEPARTMENT |
| CO 9-24 | REFER TO: BUFFALO POLICE DEPARTMENT |
| VTL 1190 | REFER TO: BUFFALO POLICE DEPARTMENT |

NOTE: SECONDARY DISSEMINATION OF THIS INFORMATION IS PROHIBITED.
IF UPDATED INFORMATION IS NEEDED, A NEW INQUIRY SHOULD BE MADE.



CITY OF BUFFALO

65 Niagara Sq. City Hall Room 301 Buffalo, NY 14202

Phone (715) 851-4078 Fax (716) 851-4952

All information on this form is public record

BUSINESS LICENSE APPLICATION

560829

| | | | | | |
|------------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------|----------------|
| <input checked="" type="checkbox"/> Used Car Dealer | fee \$262.50 | <input type="checkbox"/> Tire Handler I | fee \$118.00 | Tire Storage Information | |
| <input type="checkbox"/> Second Hand Dealer | \$118.00 | <input type="checkbox"/> Tire Handler II | \$262.50 | Inside Storage | yes ___ no ___ |
| <input type="checkbox"/> Scrap Processor | \$ 78.75 | over 1000 tires; Include NYS Environmental Conservation Law Part 360; Storage plan and General Liability Insurance at least \$50,000 both for personal injury and property damage, must contain 10 day cancellation clause with the certificate holder as City of Buffalo; Office of Licenses Room 301, Buffalo NY 14202 | | Outside Storage | yes ___ no ___ |
| <input type="checkbox"/> Wholesale Junk Dealer | \$262.50 | | | <input type="checkbox"/> Flee Market | fee |
| | | | | 1-10 tables | \$ 78.75 |
| | | | | 11-25 tables | \$155.00 |
| | | | | +26 tables | \$210.00 |

Corporation Name Smukall Performance, Inc. **Business Phone (711)** 824-7628
Business Name (dba) Smukall Performance Automotive **Business Fax (711)** 824-4673
Business Address (no PO Box) 1581 S. Park Ave, Buffalo, NY 14220
Mailing Address (if different) _____
NYS Tax ID # _____ **Business Website** _____ **E-Mail** _____

Owner(s)/ Principal Partners

Applicant (last, first) Smukall, Don **Home Phone** _____
Home Address: (PO Box not acceptable) 1581 S. Park Ave, Buffalo, NY 14220
Date of birth Nov 7th, 1953 **Place of Birth** Buffalo, NY **35.** 105-44-6541

Co-Applicant (last, first) _____ **Home Phone** _____
Home Address: (PO Box not acceptable) _____
Date of birth _____ **Place of Birth** _____

Describe your specific business activity in detail. We currently have an automotive repair shop at 1581 S. Park and we are expanding our business to 1570 S. Park and would like to add used car sales to our business. We are also in the process of going from a DBA to a Corporation.

Subscribed and sworn to before me
 this 11 day of January 20 11
Mary Musillo
 Commissioner of Deeds in and for the
 City of Buffalo, New York

I am aware of the obligation to provide timely notice of any change in required information, and I have informed all owners, managers, or other principals of their criminal and/or civic responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business.

As an authorized agent of the entity identified above, I certify the information on this form is true, correct, complete and current to the best of my knowledge and belief.

COMMISSIONER OF DEEDS
 AND FOR BUFFALO, ERIE COUNTY, N.Y.
 My Commission Expires December 31, 20 12

Print Name Donald Smukall
Signature Donald Smukall

Date Jan. 11, 2011

Mr. Fontana moved:

That the above communication from the Department of Permit and Inspection Services dated February 15, 2011, be received and filed; and

That pursuant to Chapter 254 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to grant a Used Car Dealer License to Donald Smukall d/b/a Smukall Performance Automotive, located at 1570 South Park Avenue.

Passed

* AYE * NO *

| | | | | |
|----------|---|---|---|---|
| | | | | * |
| FONTANA | * | * | * | * |
| FRANCZYK | * | * | * | * |
| GOLOMBEK | * | * | * | * |
| KEARNS | * | * | * | * |
| LOCURTO | * | * | * | * |
| PRIDGEN | * | * | * | * |
| RIVERA | * | * | * | * |
| RUSSELL | * | * | * | * |
| SMITH | * | * | * | * |
| | * | * | * | * |
| | * | 9 | 0 | * |
| | * | * | * | * |

Maj - 5
2/3 - 6
3/4 - 7

To: The Common Council:

Date: February 11, 2011

From: Department of Economic Development, Permit & Inspection ServicesDivision: Office of LicensesSubject: [: Used Car Dealer
[: 1906 South Park (South)| Type in Upper and |
| Lower Case Only |[:
[:

Prior Council Reference: (If Any) [:

Ext. (Item No. xxx, C.C.P. xx/xx/xx):

Text (Type Single Space Below):

Pursuant to Chapter 254 of the City of Buffalo Ordinances, please be advised that I have examined the attached application for a Used Car Dealer License located at **1906 South Park** and find that as to form is correct. I have caused an investigation into the premises for which said application for a used car dealer license is being sought and according to the attached reports from the Zoning Office, Fire Department and Building Inspections; I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Mohammad Musleh. The attached thereto for Mohammad Musleh dba/ Park Ave Car Corp. . This request is submitted for your approval or whatever action you deem appropriate.

**REFERRED TO THE COMMITTEE
ON LEGISLATION.**

Type Department Head Name: JAMES COMERFORDType Title: COMMISSIONERSignature of Department Head:


JC:PS:jad

Interdepartmental Memo

Date: February 11, 2011
To: James Comerford, Commissioner
From: Patrick Sole Jr., Director of Permits & Inspection Services
RE: Common Council Communication Used Car Dealer at 1906 South Park

Per City of Buffalo Ordinance Chapter 254, the following is a check list of requirements for **Used Car Dealer License** application to the Common Council:

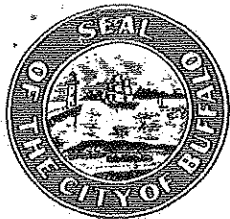
- ☒ Zoning Office
- ☒ Fire Prevention
- ☒ Building Inspection
- ☒ Police Department
- ☒ Police Record Check
- ☒ Application



Director Permit & Inspection Services



Date



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: PARK AVENUE CAR CORPORATION

LICENSE TYPE: USED CAR DEALER

085

NEW LICENSE 2011

BUSINESS ADDRESS: 1906 SOUTH PARK
BUSINESS PHONE: (716) 444-3705
COUNCIL DISTRICT: SO
POLICE DISTRICT: 15
APPLICANT NAME: MOHAMMAD MUSLEH
APPL. PHONE: 0 -
APPLICATION NUMBER: 560657
REFERRAL DATE: 01/11/2011

REMARKS: POLICE RECORD ATTACHED

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 1-14-2011.

DISAPPROVED

DATE:

REMARKS:

DISTRICT CAPTAIN:

CAPTAIN: Henry Baranski

APPROVED

DATE: 1-14-2011.

DISAPPROVED

DATE:

***REASON FOR DISAPPROVAL MUST BE STATED BELOW ***

REMARKS:

COMM. OF POLICE:

Charles Tomaszewski

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.

APPLICATION RELEASE FORM
DEPARTMENT

TO BE MAILED TO:

Buffalo Police Department
Identification Section
74 Franklin Street
Buffalo, New York 14202

2011 JAN -6 AM 10:54

There is a \$10.00 fee to process this data. By mail, payment MUST be made by money order. DO NOT send cash through mail. In person, payment can be made by money order or cash. Checks are not accepted. Make money order payable to the Buffalo Police Department.

Be sure to include a stamped, self-addressed envelope so that this information can be mailed to you. Complete all the information listed below and have your identification and signature verified by a Notary Public (or) Commissioner of Deeds listed on the bottom of this application. Without total compliance to these instructions, you WILL NOT receive the requested information.

ALL SIGNATURES MUST BE ORIGINAL

NAME OF APPLICANT: MOHAMMAD M. MUSLEH /MAIDEN NAME _____
SEX M RACE CAUC
CURRENT ADDRESS: 155 AUBURN AVE. BFLD. N.Y. 14213
DATE OF BIRTH: 01-12-1972
SOCIAL SECURITY #: 12-12-12
REASON FOR REQUEST APPLIED FOR USED CAR DEALER INSPECTION
AND RELATED SERVICES

SIGNATURE OF APPLICANT [Signature]

DATE JAN. 04, 2011

STATE OF NEW YORK)
COUNTY OF ERIE) SS.
CITY OF BUFFALO)

On the 4th day of JANUARY, 2011, before me personally appeared

MOHAMMAD M. MUSLEH, to me known to be the same person described in, and who executed the foregoing instrument and acknowledged the execution thereof.

PETER J. PECORARO
Notary Public, State of New York
Qualified in Erie County
My Commission Expires August 11, 2013

[Signature]
Notary Public / Commissioner of Deeds

☒ RECORD ATTACHED

☐ NO RECORD ON FILE

VERIFIED BY: ROBIN M. CANTRELL
DATE VERIFIED: 1-6-11

NOTE: USE OF THIS INFORMATION IS NOT BASED ON FINGERPRINT IDENTIFICATION. DO NOT RETAIN AFTER 60 DAYS FROM DATE VERIFIED. NOT VALID UNTIL STAMPED.

125

**BUFFALO POLICE DEPARTMENT
CRIMINAL BACKGROUND REPORT**

DATE OF INQUIRY: **01/06/2011 11:21:3**

NOTE: THE FOLLOWING CRIMINAL HISTORY REPORT INCLUDES BUFFALO POLICE DEPARTMENT ARRESTS ONLY. ARRESTS BY AGENCIES OUTSIDE THE CITY OF BUFFALO ARE NOT INCLUDED IN THIS REPORT.

NAME: **MUSLEH, MOHAMMAD** DATE OF BIRTH: **[REDACTED]** RACE: **White** SEX: **M**

ADDRESS: **155 AUBURN BUFFALO, NY BUFFALO, NY**

SOCIAL SECURITY #:

PCN: **10079018**

NYSID:

BOOKING/ALIAS NAMES:

MUSLEH, MOHAMMAD

WARRANT/WANT INQUIRY - REFER TO

WARRANT #:

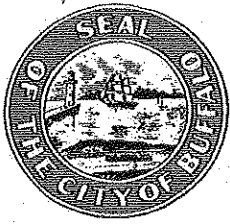
THIS REPORT DOES NOT INCLUDE ANY SEALED OR JUVENILE ARRESTS.

THIS RECORD SEARCH IS BASED UPON INFORMATION RECEIVED FROM THE APPLICANT LISTED ABOVE. USE OF THIS INFORMATION IS REGULATED BY LAW. BY LAW, NO INFORMATION MAY BE GIVEN FOR ANY JURISDICTION OUTSIDE ERIE COUNTY, NEW YORK STATE, AND/OR FEDERAL RECORD DATA FILES. ADDITIONALLY, THE BUFFALO POLICE DEPARTMENT CANNOT RELEASE ARREST RECORDS FOR ANY OTHER ERIE COUNTY POLICE AGENCY.

| ARREST DATE CHARGE | REFERENCING AGENCY DISPOSITION |
|-----------------------|-------------------------------------|
| 09/19/2007 | BUFFALO POLICE DEPARTMENT |
| PL 240.20 03 | REFER TO: BUFFALO POLICE DEPARTMENT |
| PL 240.20 02 | REFER TO: BUFFALO POLICE DEPARTMENT |

2011 JAN -6 AM10:54
BUFFALO POLICE
DEPARTMENT

NOTE: SECONDARY DISSEMINATION OF THIS INFORMATION IS PROHIBITED.
IF UPDATED INFORMATION IS NEEDED, A NEW INQUIRY SHOULD BE MADE.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: FIRE PREVENTION

REFERRED TO: LT. POCZKALSKI

APPLICATION FOR: PARK AVENUE CAR CORPORATION

LICENSE TYPE: USED CAR DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 1906 SOUTH PARK
BUSINESS PHONE: (716) 444-3705
COUNCIL DISTRICT: SO
POLICE DISTRICT: 15
APPLICANT NAME: MOHAMMAD MUSLEH
APPL. PHONE: 0 -
APPLICATION NUMBER: 560657
REFERRAL DATE: 01/11/2011

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

MAX. NO. OF VEHICLES ALLOWED

10

APPROVED

DATE:

1/4/11

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

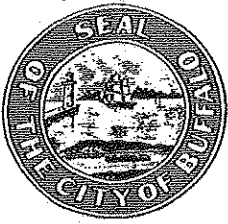
INSPECTOR

W. J. Hubler

RM#

EXT

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: HOUSING PROPERTY INS

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: PARK AVENUE CAR CORPORATION

LICENSE TYPE: USED CAR DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 1906 SOUTH PARK
BUSINESS PHONE: (716) 444-3705
COUNCIL DISTRICT: SO
POLICE DISTRICT: 15
APPLICANT NAME: MOHAMMAD MUSLEH
APPL. PHONE: () -
APPLICATION NUMBER: 560657
REFERRAL DATE: 01/11/2011

REMARKS:

DISAPPROVAL REASON:

20 vehicles

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

MAX. NO.OF VEHICLES ALLOWED _____

APPROVED

DATE: 2-9-11

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: _____

INSPECTOR

K. Fitzgerald

RM#

304

EXT

4382

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: PARK AVENUE CAR CORPORATION

LICENSE TYPE: USED CAR DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 1906 SOUTH PARK
BUSINESS PHONE: (716) 444-3705
COUNCIL DISTRICT: SO
POLICE DISTRICT: 15
APPLICANT NAME: MOHAMMAD MUSLEH
APPL. PHONE: 0 -
APPLICATION NUMBER: 560657
REFERRAL DATE: 01/11/2011

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

MAX. NO.OF VEHICLES ALLOWED _____

APPROVED

DATE: 2-9-11

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: _____

INSPECTOR

K. Fitzgerald RM# 307 EXT 4382

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO

65 Niagara Sq. City Hall Room 301 Buffalo, NY 14202
Phone (716) 851-4078 Fax (716) 851-4952

All information on this form is public record

BUSINESS LICENSE APPLICATION

129
WCD #
560657
FPL #
560664

| | | | | | |
|------------------------------------------------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <input checked="" type="checkbox"/> Used Car Dealer | fee \$262.50 | <input type="checkbox"/> Tire Handler I | fee \$118.00 | Tire Storage Information Inside Storage <input type="checkbox"/> yes <input type="checkbox"/> no Outside Storage <input type="checkbox"/> yes <input type="checkbox"/> no | |
| <input type="checkbox"/> Second Hand Dealer | \$118.00 | <input type="checkbox"/> Tire Handler II | \$262.50 | | |
| <input type="checkbox"/> Scrap Processor | \$ 78.75 | over 1000 tires; Include NYS Environmental Conservation Law Part 360; Storage plan and General Liability Insurance at least \$50,000 both for personal injury and property damage, must contain 10 day cancellation clause with the certificate holder as City of Buffalo, Office of Licenses Room 301, Buffalo NY 14202 | | <input type="checkbox"/> Flee Market | fee |
| <input type="checkbox"/> Wholesale Junk Dealer | \$262.50 | | | 1-10 tables | \$ 78.75 |
| | | | | 11-25 tables | \$155.00 |
| | | | | +26 tables | \$210.00 |

Corporation Name PARK AVENUE CAR CORPORATION Business Phone (716) 444-3705

Business Name (dba) SAME Business Fax () -

Business Address (no PO Box) 1906 SO. PARK AVE. BFLD. N.Y. 14220

Mailing Address (if different) -

NYS Tax ID # Business Website E-Mail

Owner(s)/ Principal Partners

Applicant (last, first) MUSLEH MOHAMMAD M. Home Phone

Home Address: (PO Box not acceptable) 155. AUBURN AVE. BFLD. N.Y. 14213

Date of birth Place of Birth

Co-Applicant (last, first) Home Phone

Home Address: (PO Box not acceptable)

Date of birth Place of Birth

Describe your specific business activity in detail. USED CAR DEALER
VEHICLE INSPECTION - REPAIRS AND RELATED SERVICES.

Subscribed and sworn to before me
this 4th day of JAN 20 11
Peter Pecoraro
Commissioner of Deeds in and for the
City of Buffalo, New York

PETER J. PECORARO
Notary Public, State of New York
Qualified in Erie County
My Commission Expires August 11, 20 13

I am aware of the obligation to provide timely notice of any change in required information, and I have informed all owners, managers, or other principals of their criminal and/or civic responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business.

As an authorized agent of the entity identified above, I certify the information on this form is true, correct, complete and current to the best of my knowledge and belief.

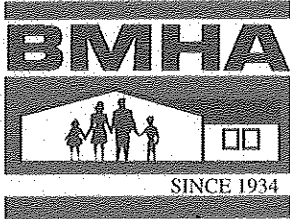
Print Name MOHAMMAD M. MUSLEH

Signature M. Musleh

Date 01-04-11

130

FROM THE BUFFALO MUNICIPAL HOUSING AUTHORITY



Buffalo Municipal Housing Authority

300 Perry Street • Buffalo, New York 14204-2299

(716) 855-6711 - (FAX) (716) 855-6761 - (TDD) (716) 855-6725
rsciandra@bmha.ci.buffalo.ny.us

February 14, 2011

Hon. David A. Franczyk
Common Council President
c/o Buffalo City Clerk
65 Niagara Square – Room 1308
Buffalo, NY 14202

131
00024
RESPONSE
MARINE DRIVE APTS.

Re: (1) Item No. 78 Tuesday, February 8, 2011
(2) Item No. 18 Res 98 July 20

Dear Mr. Council President:

This is in response to recent communications sent by Council Staff to our Executive Director Dawn E. Sanders and Board Chair Michael Seaman.

Under Item cited as (1) above, the Council requests this Authority appear before your body to explain **“why it refuses to adopt a plan of management in harmony with Marine Drive tenants, and what role it expects to play in current and future management of the Marine Drive Apartments”**. Under Item cited as (2) above, your body, by Resolution, requests the City Comptroller perform an audit of management procedures and financial records at Marine Drive. In addition, we have been requested to provide documents to your Finance Committee, by correspondence dated February 8, 2011.

This Authority hereby submits to your honorable body **New York State Regulatory Basis Financial Statements**, prepared by outside auditors, for the years 2007, 2008 and 2009. Due to a change in outside auditor, the 2010 Statement has not yet been completed by the new auditing firm chosen, but is expected to be completed by mid-March of this year.

In addition, Lunsden & McCormick, LLP prepared an additional report which includes **NYS HCR Supplemental Schedules – Certified Annual Financial & Operating Report**. This was prepared in anticipation of the change in management of Marine Drive. I enclose that Report herein also.

Regarding your request to the City Comptroller, it is the Authority's position that we need not comment on a request to a separately elected official, over which request we have no control, and suggest that the City Comptroller respond appropriately.

As you may know, an action was begun in New York State Supreme Court (**Elizabeth Harris, et al vs. Buffalo Municipal Housing Authority, Index No. 2011-600269**), which involves the very matters raised in Resolution (78, Tuesday,



13 ✓
Hon. David A. Franczyk
Council President
February ---, 2011

February 8, 2011 calling for this Authority to appear before your honorable body. Since this litigation involves management issues brought in a lawsuit by a Marine Drive tenant and a tenant association against BMHA – the very issues the Resolution wishes BMHA to “explain” - we must respectfully decline to appear to discuss the very issues which are the subject of pending litigation. I trust you will agree that to do so would be improper, prejudicial to our legal rights and responsibilities in the pending litigation, and a disservice to the judicial process which has only just begun in this matter.

Should you so desire, upon completion and our receipt of the above-mentioned 2010 financial reports, I will be happy to deliver them to the Council.

Respectfully,

Russell J. Sciandra, Esq.
Legal Counsel, BMHA

REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

**BUFFALO MUNICIPAL
HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)
REGULATORY BASIS FINANCIAL STATEMENTS
AND ADDITIONAL INFORMATION**

March 31, 2007

**BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43 (61)**

**REGULATORY BASIS FINANCIAL STATEMENTS
AND ADDITIONAL INFORMATION**

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Notes to Regulatory Basis Financial Statements

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INDEPENDENT AUDITORS' REPORT

The Board of Commissioners
Buffalo Municipal Housing Authority
Buffalo, New York

We have audited the accompanying financial statements of New York State Projects NYS-43(61) (the Projects) of Buffalo Municipal Housing Authority (the Authority) as of and for the year ended March 31, 2007, as listed in the table of contents. These financial statements are the responsibility of the Authority's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statements present only the Projects and do not purport to, and do not, present fairly the financial position of the Authority as of March 31, 2007, and the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

As described more fully in Note 1, the Authority prepares the Projects' financial statements using accounting practices prescribed or permitted by New York State Department of Housing and Community Renewal (DHCR), which practices differ from accounting principles generally accepted in the United States of America. The effects on the financial statements of the variances between these regulatory accounting practices and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Projects as of March 31, 2007, and the changes in its fund balances for the year then ended on the basis of accounting described in Note 1.

This report is intended solely for the information and use of the audit committee, management, others within the Authority, and DHCR and is not intended to be and should not be used by anyone other than these specified parties.



October 30, 2007

BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)

Balance Sheet - Regulatory Basis

March 31, 2007

| | Unrestricted Fund | Restricted Funds | | | Total Funds |
|---------------------------------------|------------------------|---------------------|-------------------|---------------------|---------------------|
| | Administration Fund | Marine Drive | Reserve Fund | Total | |
| Assets | | | | | |
| Cash and cash equivalents | \$ 3,073 | \$ 2,870,523 | \$ - | \$ 2,870,523 | \$ 2,873,596 |
| Accounts receivable, net | 47,094 | 121,994 | 50,000 | 171,994 | 219,088 |
| Due from other funds | 200,000 | 40,000 | 23,719 | 63,719 | 263,719 |
| Investments | - | - | 297,657 | 297,657 | 297,657 |
| Prepaid expenses | 17,349 | 81,868 | - | 81,868 | 99,217 |
| Development costs, net | 1,867,102 | 1,257,101 | - | 1,257,101 | 3,124,203 |
| | <u>\$ 2,134,618</u> | <u>\$ 4,371,486</u> | <u>\$ 371,376</u> | <u>\$ 4,742,862</u> | <u>\$ 6,877,480</u> |
| Liabilities and fund balances: | | | | | |
| Accounts payable | \$ 2,076 | \$ 2,263,398 | \$ - | \$ 2,263,398 | \$ 2,265,474 |
| Accrued liabilities | 18,085 | - | - | - | 18,085 |
| Deferred revenue | - | 51,487 | - | 51,487 | 51,487 |
| Due to other funds | 23,719 | 3,964 | - | 3,964 | 27,683 |
| Notes payable | 2,090,738 | - | - | - | 2,090,738 |
| | <u>2,134,618</u> | <u>2,318,849</u> | <u>-</u> | <u>2,318,849</u> | <u>4,453,467</u> |
| Fund balances | - | 2,052,637 | 371,376 | 2,424,013 | 2,424,013 |
| | <u>\$ 2,134,618</u> | <u>\$ 4,371,486</u> | <u>\$ 371,376</u> | <u>\$ 4,742,862</u> | <u>\$ 6,877,480</u> |

See accompanying notes.

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BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)

Statement of Income - Regulatory Basis

For the year ended March 31, 2007

| | Unrestricted Fund | Restricted Funds | | | Total Funds |
|------------------------------|------------------------|------------------|-----------------|----------------|----------------|
| | Administration Fund | Marine Drive | Reserve Fund | Total | |
| Operating income: | | | | | |
| Net dwelling rent income | \$ - | \$ 2,828,258 | \$ - | \$ 2,828,258 | \$ 2,828,258 |
| Other: | | | | | |
| Miscellaneous project income | - | 55,507 | - | 55,507 | 55,507 |
| Interest earned | 30 | 120,960 | - | 120,960 | 120,990 |
| Total other | 30 | 176,467 | - | 176,467 | 176,497 |
| Total operating income | 30 | 3,004,725 | - | 3,004,725 | 3,004,755 |
| Operating expenses: | | | | | |
| Management | 6,709 | 265,632 | - | 265,632 | 272,341 |
| Operating services | - | 396,315 | - | 396,315 | 396,315 |
| Utilities | - | 2,016,874 | - | 2,016,874 | 2,016,874 |
| Repairs and maintenance | - | 472,477 | - | 472,477 | 472,477 |
| Other operating expenses | 690,494 | 863,053 | - | 863,053 | 1,553,547 |
| Total operating expenses | 697,203 | 4,014,351 | - | 4,014,351 | 4,711,554 |
| Loss before subsidies | (697,173) | (1,009,626) | - | (1,009,626) | (1,706,799) |
| Subsidies: | | | | | |
| State of New York | 616,767 | - | - | - | 616,767 |
| Reserve Fund | 80,406 | - | - | - | 80,406 |
| Total subsidies | 697,173 | - | - | - | 697,173 |
| Net loss after subsidies | \$ - | \$ (1,009,626) | \$ - | \$ (1,009,626) | \$ (1,009,626) |

See accompanying notes.

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BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)

Statement of Changes in Restricted Fund Balances - Regulatory Basis

For the year ended March 31, 2007

| | Marine Drive | Reserve Fund | Total |
|-----------------------------------------|---------------------|-------------------|---------------------|
| Fund Balance - beginning of year | \$ 3,062,263 | \$ 455,054 | \$ 3,517,317 |
| Increase (decrease): | | | |
| Net loss after subsidies | (1,009,626) | - | (1,009,626) |
| Interest earned on investments | - | 23,216 | 23,216 |
| Replacement reserve expenditures | - | (106,894) | (106,894) |
| Total decrease | (1,009,626) | (83,678) | (1,093,304) |
| Fund balance - end of year | \$ 2,052,637 | \$ 371,376 | \$ 2,424,013 |

See accompanying notes.

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**BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)**

Notes to Regulatory Basis Financial Statements

1. Summary of Significant Accounting Policies:

Organization:

Buffalo Municipal Housing Authority (the Authority) is a public body corporate and politic pursuant to the Laws of the State of New York which was organized by the State Housing Act of 1937 to provide low rent housing in Buffalo, New York for qualified individuals in accordance with the rules and regulations prescribed by the U.S. Department of Housing and Urban Development (HUD), the New York State Division of Housing and Community Renewal (DHCR), and other federal agencies. Funding for the Authority's programs are primarily through contracts with HUD and DHCR, and rental revenue on units which are owned by the Authority.

Basis of Presentation:

The financial statements herein present only the Authority's New York State Projects NYS-43(61) (the Projects), and do not purport to, and do not, present fairly the financial position of the Authority as of March 31, 2007 and the changes in financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The financial statements of the Projects are prepared on a prescribed basis of accounting that demonstrates compliance with the regulatory basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. This basis of accounting differs from generally accepted accounting principles primarily because capital assets are expensed rather than capitalized, except that development costs represent initial Project building costs, which are amortized over the term of related loan financing received from New York State. Amortization of the assets is recognized as a periodic charge to income to liquidate the Project's indebtedness to New York State.

Description of the Projects:

The Authority, the State of New York and the City of Buffalo, New York entered into a consolidated contract for loan and subsidy of NYS-43 (61) on March 29, 1961. Pursuant to this contract, the Authority receives an annual subsidy from the State of New York. The City of Buffalo, based on a legal interpretation of the contract has funded the Authority for the annual net operating losses less the New York State subsidy amount.

Under the terms of the contract, the Authority is responsible for the operation and maintenance of the Ferry-Grider, Kensington Heights, Frederick Douglass Towers and Marine Drive Apartments.

Use of Estimates:

The preparation of financial statements in conformity with an other comprehensive basis of accounting requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results could differ from those estimates.

Cash and Cash Equivalents:

Cash and cash equivalents may include demand deposits, U.S. Treasury Funds, and Certificates of Deposit with original maturities of three months or less.

Cash deposits maintained in banks are covered by U.S. Federal Deposit Insurance and by collateral held by custodial banks in the Authority's name based upon the average daily funds available as determined by the banks.

Collateral is required for demand and time deposits and certificates of deposit not covered by Federal Deposit Insurance. Obligations that may be pledged as collateral are obligations of the United States and its agencies and obligations of the state and its municipalities.

Custodial credit risk is the risk that in the event of a bank failure the Authority's deposits may not be returned to it. At March 31, 2007, the Authority's bank deposits were fully collateralized by FDIC coverage and securities held by a third party arrangement in the Authority's name.

Investments:

Investments represent bank certificates of deposit with original maturities of less than one year segregated from operating cash and cash equivalents to generate more favorable interest earnings on otherwise idle cash balances.

Compensated Absences:

The Authority provides for vacation, sick and compensatory time that is attributable to services already rendered. The liabilities are recorded based on employees' rates of pay as of the end of the fiscal year, and include all payroll related liabilities. Payments of these liabilities are dependent upon many factors (including time of leave, retirement, or termination).

Risk Management:

The Authority is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Authority carries commercial insurance for all risks of loss, including workers' compensation and employee health and accident insurance, general liability, fire and extended coverage, fidelity bond, automobile, and Director and Officers' liability. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three fiscal years. Additionally, there have been no significant reductions in insurance coverage from the prior year.

2. Accounts Receivable:

| | |
|----------------------------------------------------------------------------|-------------------|
| Dwelling rents, net of allowance for estimated uncollectibles of \$325,000 | \$ 93,462 |
| Other | 125,626 |
| | <u>\$ 219,088</u> |

3. Due From Other Funds:

The Authority made initial permanent type advances to the Revolving Fund of \$240,000, which is a fund established to account for joint costs common to both the Authority's Federal projects and the Projects. In 2007, the Authority split the advance between the Administration Fund and the Marine Drive Fund and now reports \$200,000 in the Administration Fund and \$40,000 in the Marine Drive Fund.

4. Development Costs:

Administration Fund:

Development costs represent amounts used by the Authority to build Marine Drive, Ferry-Grider, Frederick Douglass Towers, Ellicott Mall and Kensington Heights.

Pursuant to New York State regulations, development cost amortization is provided for annually in amounts equal to debt principal payments to the State of New York. Development costs amortization for the year ended March 31, 2007 amounted to \$522,684.

In December 1992, the Authority transferred land and building to the Ellicott Mall Partnership relating to the renovation and operation of certain structures at the Ellicott Mall project under a Land Disposition Agreement. DHCR has agreed to continue its loan subsidy related to the original bonds used to construct the Ellicott Mall project, and the bonds will continue to be the obligation of the Authority and the State.

| | |
|-------------------------------|---------------------|
| Marine Drive | \$ 7,834,226 |
| Ferry-Grider | 3,323,845 |
| Frederick Douglas Towers | 11,582,078 |
| Ellicott Mall | 9,429,236 |
| Kensington Heights | 4,959,027 |
| Off-site | <u>621,588</u> |
| | 37,750,000 |
| Less accumulated amortization | <u>35,882,898</u> |
| | <u>\$ 1,867,102</u> |

Restricted Fund - Marine Drive:

During 2005 and 2006, the Authority capitalized costs totaling \$1,774,968 associated with renovations and enhancements to Marine Drive Apartments. The assets are depreciated over periods not to exceed 40 years beginning in fiscal 2006. Depreciation expense recognized in 2007 and 2006 totaled \$264,300 and \$253,567.

5. Notes Payable:

State of New York, payable in annual installments of \$522,684 plus interest paid semi-annually at approximately 3.8% through February 2011, secured by all rents and revenues derived from the Projects and all cash subsidies received by the Authority, guaranteed by the City of Buffalo.

\$ 2,090,738

Aggregate maturities due on notes payable for the five years following March 31, 2007 and thereafter is as follows:

| | Principal | Interest |
|------|---------------------|-------------------|
| 2008 | \$ 522,684 | \$ 75,000 |
| 2009 | 522,684 | 56,000 |
| 2010 | 522,684 | 38,000 |
| 2011 | 522,686 | 19,000 |
| | <u>\$ 2,090,738</u> | <u>\$ 188,000</u> |

6. Retirement Plan:

Plan Description:

The Authority participates in the New York State and Local Employees' Retirement System (ERS). This is a cost sharing multiple employer, public employee retirement system. ERS offers a wide range of plans and benefits which are related to years of service and final average salary, vesting of retirement benefits, death and disability.

ERS provides retirement benefits as well as death and disability benefits. Obligations of employers and employees to contribute and benefits to employees are governed by the New York State Retirement and Social Security Law (NYSRSSL). As set forth in the NYSRSSL, the Comptroller of the State of New York (Comptroller) serves as sole trustee and administrative head of ERS. The Comptroller adopts and amends rules and regulations for the administration and transaction of the business of ERS and for the custody and control of its funds. ERS issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to the New York State and Local Employees' Retirement System, Governor Alfred E. Smith State Office Building, Albany, NY 12244.

Funding Policy:

ERS is noncontributory except for employees who joined the System after July 27, 1976 who contribute 3% of their salary during the first 10 years of employment. The Comptroller annually certifies rates expressed as percentage of payroll of members, which shall be used in computing the contributions required to be made by employers to the pension accumulation fund.

The Authority is required to contribute at an actuarially determined rate. The required contributions allocated to the Projects for the current year and two preceding years were:

| | |
|------|-----------|
| 2007 | \$ 54,128 |
| 2006 | \$ 47,806 |
| 2005 | \$ 86,258 |

The Authority's contributions made to ERS were equal to 100 percent of the contributions required for each year.

7. Contingencies:

The Authority is subject to possible examinations made by Federal and State authorities who determine compliance with terms, conditions, laws and regulations governing grants given to the Authority in the current and prior years.

The Authority is a defendant in various lawsuits. Although the outcome of these lawsuits is not presently determinable, it is the opinion of the Authority that resolution of these matters will not have a material adverse effect on the financial condition of the Authority.

8. Leasing Activities (as Lessor):

The Authority leases dwelling units mainly to low-income residents. The rents under the leases are determined generally by the resident's income as adjusted for eligible deductions regulated by HUD and DHCR, although the resident may opt for a flat rent. Leases may be cancelled by the lessee at any time. The Authority may cancel the lease only for cause.

Revenues associated with these leases are recorded in the financial statements as "Dwelling Rent." Dwelling rent per unit generally remains consistent from year to year, but is affected by general economic conditions, which impact personal income and local job availability.

**INDEPENDENT AUDITORS' REPORT
ON ADDITIONAL INFORMATION**

The Board of Commissioners
Buffalo Municipal Housing Authority
Buffalo, New York

Our report on our audit of the regulatory basis financial statements of New York State Project NYS-43(61) of Buffalo Municipal Housing Authority for 2007, appears on page 1. That audit was made for the purpose of forming an opinion on the regulatory basis financial statements taken as a whole. The additional information on page 9 is presented for purposes of additional analysis, and is not a required part of the regulatory basis financial statements. Such information has been subjected to the auditing procedures applied in the audit of the regulatory basis financial statements and, in our opinion, is fairly stated in all material respects in relation to the regulatory basis financial statements taken as a whole, on the basis of accounting described in Note 1.

Lumsden & McCormick, LLP

October 30, 2007

BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)

Additional Information
Schedule of Operating Expenses - Regulatory Basis

For the year ended March 31, 2007

| | Administration Fund | Marine Drive | Total |
|--------------------------------|------------------------|-----------------|--------------|
| Management: | | | |
| Project office salaries | \$ - | \$ 20,751 | \$ 20,751 |
| Central office salaries | 5,788 | 23,084 | 28,872 |
| Legal, fiscal and other fees | 870 | 250 | 1,120 |
| Project office expenses | 51 | 43,496 | 43,547 |
| Central office expenses | - | 178,051 | 178,051 |
| | 6,709 | 265,632 | 272,341 |
| Operating services: | | | |
| Sundry | - | 1,980 | 1,980 |
| Janitorial salaries | - | 205,742 | 205,742 |
| Janitorial - other | - | 39,603 | 39,603 |
| Exterminating | - | 2,575 | 2,575 |
| Watchmen - other | - | 146,415 | 146,415 |
| | - | 396,315 | 396,315 |
| Utilities: | | | |
| Water | - | 792,533 | 792,533 |
| Electricity | - | 349,423 | 349,423 |
| Gas | - | 90 | 90 |
| Heating - wages | - | 233,529 | 233,529 |
| Heating fuel | - | 641,299 | 641,299 |
| | - | 2,016,874 | 2,016,874 |
| Repairs and maintenance: | | | |
| Project maintenance salaries | - | 240,553 | 240,553 |
| Grounds | - | 995 | 995 |
| Structures | - | 55,948 | 55,948 |
| Plumbing and gas system | - | 12,092 | 12,092 |
| Heating and ventilating system | - | 3,990 | 3,990 |
| Elevator system | - | 59,142 | 59,142 |
| Other equipment | - | 99,757 | 99,757 |
| | - | 472,477 | 472,477 |
| Other operating expenses: | | | |
| Insurance | 59,349 | 139,250 | 198,599 |
| Municipal service charges | 5,732 | - | 5,732 |
| Interest on indebtedness | 95,061 | 561 | 95,622 |
| Provision for amortization | 519,458 | 3,226 | 522,684 |
| Depreciation | - | 264,300 | 264,300 |
| Real estate taxes | 7,336 | 26,850 | 34,186 |
| Pension and other funds | 3,558 | 241,149 | 244,707 |
| Collection losses | - | 187,717 | 187,717 |
| | 690,494 | 863,053 | 1,553,547 |
| Reserve provisions | - | - | - |
| Total operating expenses | \$ 697,203 | \$ 4,014,351 | \$ 4,711,554 |

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**BUFFALO MUNICIPAL
HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)
REGULATORY BASIS FINANCIAL STATEMENTS
AND ADDITIONAL INFORMATION**

March 31, 2008

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**BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECT'S NYS-43 (61)**

**REGULATORY BASIS FINANCIAL STATEMENTS
AND ADDITIONAL INFORMATION**

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INDEPENDENT AUDITORS' REPORT

The Board of Commissioners
Buffalo Municipal Housing Authority
Buffalo, New York

We have audited the accompanying financial statements of New York State Projects NYS-43(61) (the Projects) of Buffalo Municipal Housing Authority (the Authority) as of and for the year ended March 31, 2008, as listed in the table of contents. These financial statements are the responsibility of the Authority's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statements present only the Projects and do not purport to, and do not, present fairly the financial position of the Authority as of March 31, 2008, and the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

As described more fully in Note 1, the Authority prepares the Projects' financial statements using accounting practices prescribed or permitted by New York State Department of Housing and Community Renewal (DHCR), which practices differ from accounting principles generally accepted in the United States of America. The effects on the financial statements of the variances between these regulatory accounting practices and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Projects as of March 31, 2008, and the changes in its fund balances for the year then ended on the basis of accounting described in Note 1.

This report is intended solely for the information and use of the audit committee, management, others within the Authority, and DHCR and is not intended to be and should not be used by anyone other than these specified parties.



December 29, 2008

BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)

Balance Sheet - Regulatory Basis

March 31, 2008

| | Unrestricted | Restricted Funds | | | Total Funds |
|---------------------------------------|---------------------|------------------------|-------------------|---------------------|---------------------|
| | Fund | Administration Fund | Marine Drive | Reserve Fund | Total |
| Assets | | | | | |
| Cash and cash equivalents | \$ 3,255 | \$ 3,268,410 | \$ - | \$ 3,268,410 | \$ 3,271,665 |
| Accounts receivable, net | 45,817 | 103,699 | - | 103,699 | 149,516 |
| Due from other funds | 200,000 | 73,148 | 34,186 | 107,334 | 307,334 |
| Investments | - | - | 241,951 | 241,951 | 241,951 |
| Prepaid expenses | 24,587 | 103,961 | - | 103,961 | 128,548 |
| Development costs, net | 1,344,417 | 1,023,250 | - | 1,023,250 | 2,367,667 |
| | <u>\$ 1,618,076</u> | <u>\$ 4,572,468</u> | <u>\$ 276,137</u> | <u>\$ 4,848,605</u> | <u>\$ 6,466,681</u> |
| Liabilities and fund balances: | | | | | |
| Accounts payable | \$ 916 | \$ 3,463,038 | \$ - | \$ 3,463,038 | \$ 3,463,954 |
| Accrued liabilities | 14,920 | - | - | - | 14,920 |
| Due to other funds | 34,186 | - | - | - | 34,186 |
| Notes payable | 1,568,054 | - | - | - | 1,568,054 |
| | <u>1,618,076</u> | <u>3,463,038</u> | <u>-</u> | <u>3,463,038</u> | <u>5,081,114</u> |
| Fund balances | <u>-</u> | <u>1,109,430</u> | <u>276,137</u> | <u>1,385,567</u> | <u>1,385,567</u> |
| | <u>\$ 1,618,076</u> | <u>\$ 4,572,468</u> | <u>\$ 276,137</u> | <u>\$ 4,848,605</u> | <u>\$ 6,466,681</u> |

See accompanying notes.

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BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)

Statement of Income - Regulatory Basis

For the year ended March 31, 2008

| | Unrestricted Fund | Restricted Funds | | |
|------------------------------|------------------------|------------------|-----------------|----------------|
| | Administration Fund | Marine Drive | Reserve Fund | Total Funds |
| Operating income: | | | | |
| Net dwelling rent income | \$ - | \$ 2,737,538 | \$ - | \$ 2,737,538 |
| Other: | | | | |
| Miscellaneous project income | - | 125,202 | - | 125,202 |
| Interest earned | 24 | 115,858 | - | 115,882 |
| Total other | 24 | 241,060 | - | 241,084 |
| Total operating income | 24 | 2,978,598 | - | 2,978,622 |
| Operating expenses: | | | | |
| Management | 40,735 | 268,588 | - | 309,323 |
| Operating services | - | 311,936 | - | 311,936 |
| Utilities | - | 1,961,391 | - | 1,961,391 |
| Repairs and maintenance | - | 589,388 | - | 589,388 |
| Other operating expenses | 670,002 | 790,502 | - | 1,460,504 |
| Total operating expenses | 710,737 | 3,921,805 | - | 4,632,542 |
| Loss before subsidies | (710,713) | (943,207) | - | (1,653,920) |
| Subsidies: | | | | |
| State of New York | 594,260 | - | - | 594,260 |
| Reserve Fund | 116,453 | - | - | 116,453 |
| Total subsidies | 710,713 | - | - | 710,713 |
| Net loss after subsidies | \$ - | \$ (943,207) | \$ - | \$ (943,207) |

See accompanying notes.

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BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)

Statement of Changes in Restricted Fund Balances - Regulatory Basis

For the year ended March 31, 2008

| | Marine Drive | Reserve Fund | Total |
|-----------------------------------------|---------------------|-------------------|---------------------|
| Fund Balance - beginning of year | \$ 2,052,637 | \$ 371,376 | \$ 2,424,013 |
| Increase (decrease): | | | |
| Net loss after subsidies | (943,207) | - | (943,207) |
| Interest earned on investments | - | 17,523 | 17,523 |
| Replacement reserve expenditures | - | (112,762) | (112,762) |
| Total decrease | (943,207) | (95,239) | (1,038,446) |
| Fund balance - end of year | \$ 1,109,430 | \$ 276,137 | \$ 1,385,567 |

See accompanying notes.

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**BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)**

Notes to Regulatory Basis Financial Statements

1. Summary of Significant Accounting Policies:

Organization:

Buffalo Municipal Housing Authority (the Authority) is a public body corporate and politic pursuant to the Laws of the State of New York which was organized by the State Housing Act of 1937 to provide low rent housing in Buffalo, New York for qualified individuals in accordance with the rules and regulations prescribed by the U.S. Department of Housing and Urban Development (HUD), the New York State Division of Housing and Community Renewal (DHCR), and other federal agencies. Funding for the Authority's programs are primarily through contracts with HUD and DHCR, and rental revenue on units which are owned by the Authority.

Basis of Presentation:

The financial statements herein present only the Authority's New York State Projects NYS-43(61) (the Projects), and do not purport to, and do not, present fairly the financial position of the Authority as of March 31, 2008 and the changes in financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The financial statements of the Projects are prepared on a prescribed basis of accounting that demonstrates compliance with the regulatory basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. This basis of accounting differs from generally accepted accounting principles primarily because capital assets are expensed rather than capitalized, except that development costs represent initial Project building costs, which are amortized over the term of related loan financing received from New York State. Amortization of the assets is recognized as a periodic charge to income to liquidate the Project's indebtedness to New York State.

Description of the Projects:

The Authority, the State of New York and the City of Buffalo, New York entered into a consolidated contract for loan and subsidy of NYS-43 (61) on March 29, 1961. Pursuant to this contract, the Authority receives an annual subsidy from the State of New York. The City of Buffalo, based on a legal interpretation of the contract has funded the Authority for the annual net operating losses less the New York State subsidy amount.

Under the terms of the contract, the Authority is responsible for the operation and maintenance of the Ferry-Grider, Kensington Heights, Frederick Douglass Towers and Marine Drive Apartments.

Use of Estimates:

The preparation of financial statements in conformity with an other comprehensive basis of accounting requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results could differ from those estimates.

Cash and Cash Equivalents:

Cash and cash equivalents may include demand deposits, U.S. Treasury Funds, and Certificates of Deposit with original maturities of three months or less.

Cash deposits maintained in banks are covered by U.S. Federal Deposit Insurance and by collateral held by custodial banks in the Authority's name based upon the average daily funds available as determined by the banks.

Collateral is required for demand and time deposits and certificates of deposit not covered by Federal Deposit Insurance. Obligations that may be pledged as collateral are obligations of the United States and its agencies and obligations of the state and its municipalities.

Custodial credit risk is the risk that in the event of a bank failure the Authority's deposits may not be returned to it. At March 31, 2008, the Authority's bank deposits were fully collateralized by FDIC coverage and securities held by a third party arrangement in the Authority's name.

Investments:

Investments represent collateralized bank certificates of deposit with original maturities of less than one year segregated from operating cash and cash equivalents to generate more favorable interest earnings on otherwise idle cash balances.

Compensated Absences:

The Authority provides for vacation, sick and compensatory time that is attributable to services already rendered. The liabilities are recorded based on employees' rates of pay as of the end of the fiscal year, and include all payroll related liabilities. Payments of these liabilities are dependent upon many factors (including time of leave, retirement, or termination).

Risk Management:

The Authority is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Authority carries commercial insurance for all risks of loss, including workers' compensation and employee health and accident insurance, general liability, fire and extended coverage, fidelity bond, automobile, and Director and Officers' liability. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three fiscal years. Additionally, there have been no significant reductions in insurance coverage from the prior year.

2. Accounts Receivable:

| | |
|-------------------------------------------------------------------------------|-------------------|
| Dwelling rents, net of allowance for estimated uncollectibles of \$325,000 | \$ 98,384 |
| Other | 51,132 |
| | <u>\$ 149,516</u> |

3. Due From Other Funds:

The Authority made initial permanent type advances to the Revolving Fund of \$240,000, which is a fund established to account for joint costs common to both the Authority's Federal projects and the Projects. In 2007, the Authority split the advance between the Administration Fund and the Marine Drive Fund, and now reports \$200,000 in the Administration Fund and \$40,000 in the Marine Drive Fund.

4. Development Costs:

Administration Fund:

Development costs represent amounts used by the Authority to build Marine Drive, Ferry-Grider, Frederick Douglass Towers, Ellicott Mall and Kensington Heights.

Pursuant to New York State regulations, development cost amortization is provided for annually in amounts equal to debt principal payments to the State of New York. Development costs amortization for the year ended March 31, 2008 amounted to \$522,685.

In December 1992, the Authority transferred land and building to the Ellicott Mall Partnership relating to the renovation and operation of certain structures at the Ellicott Mall project under a Land Disposition Agreement. DHCR has agreed to continue its loan subsidy related to the original bonds used to construct the Ellicott Mall project, and the bonds will continue to be the obligation of the Authority and the State.

| | |
|-------------------------------|---------------------|
| Marine Drive | \$ 7,834,226 |
| Ferry-Grider | 3,323,845 |
| Frederick Douglas Towers | 11,582,078 |
| Ellicott Mall | 9,429,236 |
| Kensington Heights | 4,959,027 |
| Off-site | 621,588 |
| | <u>37,750,000</u> |
| Less accumulated amortization | 36,405,583 |
| | <u>\$ 1,344,417</u> |

Restricted Fund - Marine Drive:

During 2008 and 2007, the Authority capitalized costs totaling \$80,125 and \$1,774,968 associated with renovations and enhancements to Marine Drive Apartments. The assets are depreciated over periods not to exceed 40 years. Depreciation expense recognized in 2008 and 2007 totaled \$313,976 and \$264,300.

5. Notes Payable:

State of New York, payable in annual installments of \$522,684 plus interest paid semi-annually at approximately 3.8% through February 2011, secured by all rents and revenues derived from the Projects and all cash subsidies received by the Authority, guaranteed by the City of Buffalo.

\$ 1,568,054

Aggregate maturities due on notes payable for the three years following March 31, 2008 and thereafter is as follows:

| | Principal | Interest |
|------|---------------------|-------------------|
| 2009 | \$ 522,684 | \$ 56,000 |
| 2010 | 522,684 | 38,000 |
| 2011 | 522,686 | 19,000 |
| | <u>\$ 1,568,054</u> | <u>\$ 113,000</u> |

6. Retirement Plan:

Plan Description:

The Authority participates in the New York State and Local Employees' Retirement System (ERS). This is a cost sharing multiple employer, public employee retirement system. ERS offers a wide range of plans and benefits which are related to years of service and final average salary, vesting of retirement benefits, death and disability.

ERS provides retirement benefits as well as death and disability benefits. The New York State Retirement and Social Security Law govern obligations of employers and employees to contribute and provide benefits to employees. ERS issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to the New York State and Local Employees' Retirement System, Governor Alfred E. Smith State Office Building, Albany, NY 12244.

Funding Policy:

ERS is noncontributory except for employees who joined the System after July 27, 1976 who contribute 3% of their salary during the first 10 years of employment. The Comptroller annually certifies rates expressed as percentage of payroll of members, which shall be used in computing the contributions required to be made by employers to the pension accumulation fund.

The Authority is required to contribute at an actuarially determined rate. The required contributions allocated to the Projects for the current year and two preceding years were:

| | |
|------|-----------|
| 2008 | \$ 45,655 |
| 2007 | \$ 54,128 |
| 2006 | \$ 47,806 |

The Authority's contributions made to ERS were equal to 100 percent of the contributions required for each year.

7. Contingencies:

The Authority is subject to possible examinations made by Federal and State authorities who determine compliance with terms, conditions, laws and regulations governing grants given to the Authority in the current and prior years.

The Authority is a defendant in various lawsuits. Although the outcome of these lawsuits is not presently determinable, it is the opinion of the Authority that resolution of these matters will not have a material adverse effect on the financial condition of the Authority.

8. Leasing Activities (as Lessor):

The Authority leases dwelling units mainly to low-income residents. The rents under the leases are determined generally by the resident's income as adjusted for eligible deductions regulated by HUD and DHCR, although the resident may opt for a flat rent. Leases may be cancelled by the lessee at any time. The Authority may cancel the lease only for cause.

Revenues associated with these leases are recorded in the financial statements as "Dwelling Rent." Dwelling rent per unit generally remains consistent from year to year, but is affected by general economic conditions, which impact personal income and local job availability.

**INDEPENDENT AUDITORS' REPORT
ON ADDITIONAL INFORMATION**

The Board of Commissioners
Buffalo Municipal Housing Authority
Buffalo, New York

Our report on our audit of the regulatory basis financial statements of New York State Project NYS-43(61) of Buffalo Municipal Housing Authority for 2008, appears on page 1. That audit was made for the purpose of forming an opinion on the regulatory basis financial statements taken as a whole. The additional information on page 9 is presented for purposes of additional analysis, and is not a required part of the regulatory basis financial statements. Such information has been subjected to the auditing procedures applied in the audit of the regulatory basis financial statements and, in our opinion, is fairly stated in all material respects in relation to the regulatory basis financial statements taken as a whole, on the basis of accounting described in Note 1.



December 29, 2008

BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)

Additional Information
Schedule of Operating Expenses - Regulatory Basis

For the year ended March 31, 2008

| | Administration Fund | Marine Drive | Total |
|--------------------------------|------------------------|-----------------|--------------|
| Management: | | | |
| Project office salaries | \$ - | \$ 129,896 | \$ 129,896 |
| Central office salaries | - | 3,593 | 3,593 |
| Legal, fiscal and other fees | 18,580 | 33,338 | 51,918 |
| Project office expenses | 13,875 | 43,580 | 57,455 |
| Management fees | 8,280 | 35,835 | 44,115 |
| Central office expenses | - | 22,346 | 22,346 |
| | 40,735 | 268,588 | 309,323 |
| Operating services: | | | |
| Sundry | - | 3,126 | 3,126 |
| Janitorial salaries | - | 157,441 | 157,441 |
| Janitorial - other | - | 31,429 | 31,429 |
| Exterminating | - | 7,626 | 7,626 |
| Watchmen - other | - | 112,314 | 112,314 |
| | - | 311,936 | 311,936 |
| Utilities: | | | |
| Water | - | 966,796 | 966,796 |
| Electricity | - | 311,280 | 311,280 |
| Heating - wages | - | 195,914 | 195,914 |
| Heating fuel | - | 487,401 | 487,401 |
| | - | 1,961,391 | 1,961,391 |
| Repairs and maintenance: | | | |
| Project maintenance salaries | - | 175,692 | 175,692 |
| Grounds | - | 165,114 | 165,114 |
| Structures | - | 10,547 | 10,547 |
| Plumbing and gas system | - | 22,127 | 22,127 |
| Electrical system | - | 2,127 | 2,127 |
| Heating and ventilating system | - | 13,645 | 13,645 |
| Elevator system | - | 69,485 | 69,485 |
| Other equipment | - | 130,651 | 130,651 |
| | - | 589,388 | 589,388 |
| Other operating expenses: | | | |
| Insurance | 73,868 | 167,865 | 241,733 |
| Municipal service charges | 1,872 | 16,771 | 18,643 |
| Interest on indebtedness | 71,685 | 590 | 72,275 |
| Provision for amortization | 519,458 | 3,227 | 522,685 |
| Depreciation | - | 313,976 | 313,976 |
| Real estate taxes | 3,119 | 20,704 | 23,823 |
| Pension and other funds | - | 267,369 | 267,369 |
| | 670,002 | 790,502 | 1,460,504 |
| Reserve provisions | - | - | - |
| Total operating expenses | \$ 710,737 | \$ 3,921,805 | \$ 4,632,542 |

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**BUFFALO MUNICIPAL
HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)
REGULATORY BASIS FINANCIAL STATEMENTS
AND ADDITIONAL INFORMATION**

March 31, 2009

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BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43 (61)

REGULATORY BASIS FINANCIAL STATEMENTS
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INDEPENDENT AUDITORS' REPORT

The Board of Commissioners
Buffalo Municipal Housing Authority
Buffalo, New York

We have audited the accompanying financial statements of New York State Projects NYS-43(61) (the Projects) of Buffalo Municipal Housing Authority (the Authority) as of and for the year ended March 31, 2009, as listed in the table of contents. These financial statements are the responsibility of the Authority's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statements present only the Projects and do not purport to, and do not, present fairly the financial position of the Authority as of March 31, 2009, and the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

As described more fully in Note 1, the Authority prepares the Projects' financial statements using accounting practices prescribed or permitted by New York State Department of Housing and Community Renewal (DHCR), which practices differ from accounting principles generally accepted in the United States of America. The effects on the financial statements of the variances between these regulatory accounting practices and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Projects as of March 31, 2009, and the changes in its fund balances for the year then ended on the basis of accounting described in Note 1.

This report is intended solely for the information and use of the audit committee, management, others within the Authority, and DHCR and is not intended to be and should not be used by anyone other than these specified parties.

Lumsden & McCormick, LLP

October 28, 2009

BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)

Balance Sheet - Regulatory Basis

March 31, 2009

| | Unrestricted Fund | Restricted Funds | | | Total Funds |
|---------------------------------------|------------------------|---------------------|-------------------|---------------------|---------------------|
| | Administration Fund | Marine Drive | Reserve Fund | Total | |
| Assets | | | | | |
| Cash and cash equivalents | \$ 249,645 | \$ 3,410,857 | \$ 6,525 | \$ 3,417,382 | \$ 3,667,027 |
| Accounts receivable, net | 49,171 | 72,867 | - | 72,867 | 122,038 |
| Due from other funds | 200,000 | 52,354 | 270,509 | 322,863 | 522,863 |
| Prepaid expenses | 13,442 | 116,379 | - | 116,379 | 129,821 |
| Development costs, net | 821,733 | 946,336 | - | 946,336 | 1,768,069 |
| | <u>\$ 1,333,991</u> | <u>\$ 4,598,793</u> | <u>\$ 277,034</u> | <u>\$ 4,875,827</u> | <u>\$ 6,209,818</u> |
| Liabilities and fund balances: | | | | | |
| Accounts payable | \$ 6,328 | \$ 3,759,275 | \$ - | \$ 3,759,275 | \$ 3,765,603 |
| Accrued liabilities | 11,784 | - | - | - | 11,784 |
| Deferred revenue | - | 34,357 | - | 34,357 | 34,357 |
| Due to other funds | 270,509 | - | - | - | 270,509 |
| Notes payable | 1,045,370 | - | - | - | 1,045,370 |
| | <u>1,333,991</u> | <u>3,793,632</u> | <u>-</u> | <u>3,793,632</u> | <u>5,127,623</u> |
| Fund balances | <u>-</u> | <u>805,161</u> | <u>277,034</u> | <u>1,082,195</u> | <u>1,082,195</u> |
| | <u>\$ 1,333,991</u> | <u>\$ 4,598,793</u> | <u>\$ 277,034</u> | <u>\$ 4,875,827</u> | <u>\$ 6,209,818</u> |

See accompanying notes.

BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)

Statement of Income - Regulatory Basis

For the year ended March 31, 2009

| | Unrestricted Fund | Restricted Funds | | | Total Funds |
|------------------------------|------------------------|------------------|-----------------|--------------|----------------|
| | Administration Fund | Marine Drive | Reserve Fund | Total | |
| Operating income: | | | | | |
| Net dwelling rent income | \$ - | \$ 2,913,371 | \$ - | \$ 2,913,371 | \$ 2,913,371 |
| Other: | | | | | |
| Miscellaneous project income | - | 110,242 | - | 110,242 | 110,242 |
| Interest earned | 194 | 39,277 | - | 39,277 | 39,471 |
| Total other | 194 | 149,519 | - | 149,519 | 149,713 |
| Total operating income | 194 | 3,062,890 | - | 3,062,890 | 3,063,084 |
| Operating expenses: | | | | | |
| Management | 70,023 | 309,065 | - | 309,065 | 379,088 |
| Operating services | - | 331,984 | - | 331,984 | 331,984 |
| Utilities | - | 1,494,366 | - | 1,494,366 | 1,494,366 |
| Repairs and maintenance | - | 673,886 | - | 673,886 | 673,886 |
| Other operating expenses | 638,055 | 557,858 | - | 557,858 | 1,195,913 |
| Total operating expenses | 708,078 | 3,367,159 | - | 3,367,159 | 4,075,237 |
| Loss before subsidies | (707,884) | (304,269) | - | (304,269) | (1,012,153) |
| Subsidies: | | | | | |
| State of New York | 579,134 | - | - | - | 579,134 |
| Reserve Fund | 128,750 | - | - | - | 128,750 |
| Total subsidies | 707,884 | - | - | - | 707,884 |
| Net loss after subsidies | \$ - | \$ (304,269) | \$ - | \$ (304,269) | \$ (304,269) |

See accompanying notes.

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BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)

Statement of Changes in Restricted Fund Balances - Regulatory Basis

For the year ended March 31, 2009

| | Marine Drive | Reserve Fund | Total |
|--------------------------------------------|-----------------|-----------------|--------------|
| Fund Balance - beginning of year | \$ 1,109,430 | \$ 276,137 | \$ 1,385,567 |
| Increase (decrease): | | | |
| Net loss after subsidies | (304,269) | - | (304,269) |
| Interest earned on investments | - | 5,422 | 5,422 |
| Reserve provision from administration fund | - | 3,899 | 3,899 |
| Replacement reserve expenditures | - | (8,424) | (8,424) |
| Total increase (decrease) | (304,269) | 897 | (303,372) |
| Fund balance - end of year | \$ 805,161 | \$ 277,034 | \$ 1,082,195 |

See accompanying notes.

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**BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)**

Notes to Regulatory Basis Financial Statements

1. Summary of Significant Accounting Policies:

Organization:

Buffalo Municipal Housing Authority (the Authority) is a public body corporate and politic pursuant to the Laws of the State of New York which was organized by the State Housing Act of 1937 to provide low rent housing in Buffalo, New York for qualified individuals in accordance with the rules and regulations prescribed by the U.S. Department of Housing and Urban Development (HUD), the New York State Division of Housing and Community Renewal (DHCR), and other federal agencies. Funding for the Authority's programs are primarily through contracts with HUD and DHCR, and rental revenue on units which are owned by the Authority.

Basis of Presentation:

The financial statements herein present only the Authority's New York State Projects NYS-43(61) (the Projects), and do not purport to, and do not, present fairly the financial position of the Authority as of March 31, 2009 and the changes in financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The financial statements of the Projects are prepared on a prescribed basis of accounting that demonstrates compliance with the regulatory basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. This basis of accounting differs from generally accepted accounting principles primarily because capital assets are expensed rather than capitalized, except that development costs represent initial Projects building costs, which are amortized over the term of related loan financing received from New York State. Amortization of the assets is recognized as a periodic charge to income to liquidate the Project's indebtedness to New York State.

Description of the Projects:

The Authority, the State of New York and the City of Buffalo, New York entered into a consolidated contract for loan and subsidy of NYS-43 (61) on March 29, 1961. Pursuant to this contract, the Authority receives an annual subsidy from the State of New York. The City of Buffalo, based on a legal interpretation of the contract has funded the Authority for the annual net operating losses less the New York State subsidy amount.

Under the terms of the contract, the Authority is responsible for the operation and maintenance of the Ferry-Grider, Kensington Heights, Frederick Douglass Towers and Marine Drive Apartments.

Use of Estimates:

The preparation of financial statements in conformity with an other comprehensive basis of accounting requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results could differ from those estimates.

Cash and Cash Equivalents:

Cash and cash equivalents may include demand deposits, U.S. Treasury Funds, and Certificates of Deposit with original maturities of three months or less.

Cash deposits maintained in banks are covered by U.S. Federal Deposit Insurance and by collateral held by custodial banks in the Authority's name based upon the average daily funds available as determined by the banks.

Collateral is required for demand and time deposits and certificates of deposit not covered by Federal Deposit Insurance. Obligations that may be pledged as collateral are obligations of the United States and its agencies and obligations of the state and its municipalities.

Custodial credit risk is the risk that in the event of a bank failure the Authority's deposits may not be returned to it. At March 31, 2009, the Authority's bank deposits were fully collateralized by FDIC coverage and securities held by a third party arrangement in the Authority's name.

Compensated Absences:

The Authority provides for vacation, sick and compensatory time that is attributable to services already rendered. The liabilities are recorded based on employees' rates of pay as of the end of the fiscal year, and include all payroll related liabilities. Payments of these liabilities are dependent upon many factors (including time of leave, retirement, or termination).

Risk Management:

The Authority is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Authority carries commercial insurance for all risks of loss, including workers' compensation and employee health and accident insurance, general liability, fire and extended coverage, fidelity bond, automobile, and Director and Officers' liability. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three fiscal years. Additionally, there have been no significant reductions in insurance coverage from the prior year.

2. Accounts Receivable:

| | |
|-------------------------------------------------------------------------------|-------------------|
| Dwelling rents, net of allowance for estimated uncollectibles of \$325,000 | \$ 70,063 |
| Other | 51,975 |
| | <u>\$ 122,038</u> |

3. Due From Other Funds:

The Authority made initial permanent type advances to the Revolving Fund of \$240,000, which is a fund established to account for joint costs common to both the Authority's Federal projects and the Projects. In 2007, the Authority split the advance between the Administration Fund and the Marine Drive Fund, and now reports \$200,000 in the Administration Fund and \$40,000 in the Marine Drive Fund.

4. Development Costs:

Administration Fund:

Development costs represent amounts used by the Authority to build Marine Drive, Ferry-Grider, Frederick Douglass Towers, Ellicott Mall and Kensington Heights.

Pursuant to New York State regulations, development cost amortization is provided for annually in amounts equal to debt principal payments to the State of New York. Development costs amortization for the year ended March 31, 2009 amounted to \$522,684.

In December 1992, the Authority transferred land and building to the Ellicott Mall Partnership relating to the renovation and operation of certain structures at the Ellicott Mall project under a Land Disposition Agreement. DHCR has agreed to continue its loan subsidy related to the original bonds used to construct the Ellicott Mall project, and the bonds will continue to be the obligation of the Authority and the State.

| | |
|-------------------------------|-------------------|
| Marine Drive | \$ 7,834,226 |
| Ferry-Grider | 3,323,845 |
| Frederick Douglas Towers | 11,582,078 |
| Ellicott Mall | 9,429,236 |
| Kensington Heights | 4,959,027 |
| Off-site | 621,588 |
| | <u>37,750,000</u> |
| Less accumulated amortization | <u>36,928,267</u> |
| | <u>\$ 821,733</u> |

Restricted Fund -- Marine Drive:

The Authority capitalized costs associated with renovations and enhancements to Marine Drive Apartments. The assets are depreciated over periods not to exceed 40 years. Depreciation expense recognized in 2009 totaled \$76,914. Cumulative costs capitalized and accumulated depreciation at March 31, 2009 totaled \$1,855,093 and \$908,757, respectively.

5. Notes Payable:

State of New York, payable in annual installments of \$522,684 plus interest paid semi-annually at approximately 3.8% through February 2011, secured by all rents and revenues derived from the Projects and all cash subsidies received by the Authority, guaranteed by the City of Buffalo.

\$ 1,045,370

Aggregate maturities due on notes payable for the three years following March 31, 2008 and thereafter is as follows:

| | <u>Principal</u> | <u>Interest</u> |
|------|---------------------|------------------|
| 2010 | \$ 522,684 | \$ 38,000 |
| 2011 | 522,686 | 19,000 |
| | <u>\$ 1,045,370</u> | <u>\$ 57,000</u> |

6. Retirement Plan:

The Authority participates in the New York State and Local Employees' Retirement System (ERS), which is a cost-sharing multiple employer, public employee retirement system. ERS offers a wide range of plans and benefits which are related to years of service and final average salary, vesting of retirement benefits, death and disability.

ERS provides retirement benefits as well as death and disability benefits. New York State Retirement and Social Security Law governs obligations of employers and employees to contribute and provide benefits to employees. ERS issues a publicly available financial report that includes financial statements and required supplementary information. This report may be obtained by writing to the New York State and Local Retirement System, 110 State Street, Albany, New York 12244-0001.

ERS requires employee contributions of 3% of salary except for those who joined ERS before July 1976 or have greater than 10 years of service. For ERS, the Comptroller annually certifies the rates expressed as a percentage of the wages of participants used to compute the contributions required to be made by the Authority to the pension accumulation fund.

The required contributions and rates over the past three years were:

| | <u>Amount</u> | <u>Rate</u> |
|------|---------------|--------------|
| 2009 | \$ 52,546 | 8.1% - 10.8% |
| 2008 | 45,655 | 9.0% - 12.1% |
| 2007 | 54,128 | 9.9% - 13.3% |

The Authority's contributions made to ERS were equal to 100 percent of the contributions required for each year.

7. Contingencies:

The Authority is subject to possible examinations made by Federal and State authorities who determine compliance with terms, conditions, laws and regulations governing grants given to the Authority in the current and prior years.

The Authority is a defendant in various lawsuits. Although the outcome of these lawsuits is not presently determinable, it is the opinion of the Authority that resolution of these matters will not have a material adverse effect on the financial condition of the Authority.

8. Leasing Activities (as Lessor):

The Authority leases dwelling units mainly to low-income residents. The rents under the leases are determined generally by the resident's income as adjusted for eligible deductions regulated by HUD and DHCR, although the resident may opt for a flat rent. Leases may be cancelled by the lessee at any time. The Authority may cancel the lease only for cause.

Revenues associated with these leases are recorded in the financial statements as "Dwelling Rent." Dwelling rent per unit generally remains consistent from year to year, but is affected by general economic conditions, which impact personal income and local job availability.

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**INDEPENDENT AUDITORS' REPORT
ON ADDITIONAL INFORMATION**

The Board of Commissioners
Buffalo Municipal Housing Authority
Buffalo, New York

Our report on our audit of the regulatory basis financial statements of New York State Project NYS-43(61) of Buffalo Municipal Housing Authority for 2009 appears on page 1. That audit was made for the purpose of forming an opinion on the regulatory basis financial statements taken as a whole. The additional information on page 9 is presented for purposes of additional analysis, and is not a required part of the regulatory basis financial statements. Such information has been subjected to the auditing procedures applied in the audit of the regulatory basis financial statements and, in our opinion, is fairly stated in all material respects in relation to the regulatory basis financial statements taken as a whole, on the basis of accounting described in Note 1.

Lumsden & McCormick, LLP

October 28, 2009

BUFFALO MUNICIPAL HOUSING AUTHORITY
NEW YORK STATE PROJECTS NYS-43(61)

Additional Information
Schedule of Operating Expenses - Regulatory Basis

For the year ended March 31, 2009

| | Administration Fund | Marine Drive | Total |
|--------------------------------|------------------------|------------------|------------------|
| Management: | | | |
| Project office salaries | \$ - | \$ 134,020 | \$ 134,020 |
| Legal, fiscal and other fees | 57,255 | 52,563 | 109,818 |
| Project office expenses | 1,728 | 42,187 | 43,915 |
| Management fees | 11,040 | 51,191 | 62,231 |
| Central office expenses | - | 29,104 | 29,104 |
| | <u>70,023</u> | <u>309,065</u> | <u>379,088</u> |
| Operating services: | | | |
| Janitorial salaries | - | 167,527 | 167,527 |
| Janitorial - other | - | 32,203 | 32,203 |
| Exterminating | - | 11,681 | 11,681 |
| Watchmen - other | - | 120,573 | 120,573 |
| | - | <u>331,984</u> | <u>331,984</u> |
| Utilities: | | | |
| Water | - | 421,645 | 421,645 |
| Electricity | - | 321,526 | 321,526 |
| Gas | - | 532,367 | 532,367 |
| Heating - wages | - | 218,828 | 218,828 |
| | - | <u>1,494,366</u> | <u>1,494,366</u> |
| Repairs and maintenance: | | | |
| Project maintenance salaries | - | 253,528 | 253,528 |
| Grounds | - | 78,822 | 78,822 |
| Structures | - | 17,166 | 17,166 |
| Plumbing and gas system | - | 67,144 | 67,144 |
| Electrical system | - | 15,605 | 15,605 |
| Heating and ventilating system | - | 25,104 | 25,104 |
| Elevator system | - | 56,869 | 56,869 |
| Other equipment | - | 159,648 | 159,648 |
| | - | <u>673,886</u> | <u>673,886</u> |
| Other operating expenses: | | | |
| Insurance | 62,947 | 142,590 | 205,537 |
| Municipal service charges | 1,698 | 14,950 | 16,648 |
| Interest on indebtedness | 52,985 | 329 | 53,314 |
| Provision for amortization | 519,458 | 3,226 | 522,684 |
| Depreciation | - | 76,914 | 76,914 |
| Real estate taxes | 967 | 21,996 | 22,963 |
| Pension and other funds | - | 297,853 | 297,853 |
| | <u>638,055</u> | <u>557,858</u> | <u>1,195,913</u> |
| Total operating expenses | \$ 708,078 | \$ 3,367,159 | \$ 4,075,237 |

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**MARINE DRIVE APARTMENTS,
AN OPERATING DIVISION OF
BUFFALO MUNICIPAL HOUSING AUTHORITY**

**FINANCIAL STATEMENTS
WITH ADDITIONAL INFORMATION**

March 31, 2009

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MARINE DRIVE APARTMENTS,
AN OPERATING DIVISION OF
BUFFALO MUNICIPAL HOUSING AUTHORITY

FINANCIAL STATEMENTS
AND ADDITIONAL INFORMATION

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INDEPENDENT AUDITORS' REPORT

The Board of Commissioners
Buffalo Municipal Housing Authority
Buffalo, New York

We have audited the accompanying balance sheet of Marine Drive Apartments (Marine Drive), an operating division of Buffalo Municipal Housing Authority (the Authority) as of March 31, 2009, and the related statements of revenues, expenses and changes in net assets, and cash flows for the year then ended. These financial statements are the responsibility of Marine Drive's management. Our responsibility is to express an opinion on these financial statements based on our audit.

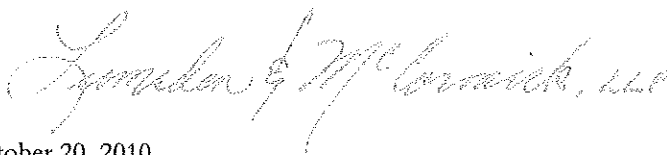
We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statements present only the operations of Marine Drive and do not purport to, and do not, present fairly the financial position of the Authority as of March 31, 2009, and the changes in its financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Marine Drive as of March 31, 2009, and the changes in its net assets and cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated October 20, 2010, on our consideration of Marine Drive's internal control over financial reporting and our test of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

Marine Drive has not presented Management's Discussion and Analysis that accounting principles generally accepted in the United States of America have determined necessary to supplement, although not required to be part of, the basic financial statements.



October 20, 2010

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MARINE DRIVE APARTMENTS, AN OPERATING DIVISION OF
BUFFALO MUNICIPAL HOUSING AUTHORITY

Balance Sheet

March 31, 2009

Assets

Current assets:

| | |
|-------------------------------------------------------------------|------------------|
| Cash and cash equivalents | \$ 3,410,857 |
| Accounts receivable, net of estimated uncollectibles of \$340,000 | 55,046 |
| Due from other funds (Note 2) | 40,000 |
| Other receivables | 2,804 |
| Prepaid expenses | 116,379 |
| | <u>3,625,086</u> |

Non current assets:

| | |
|------------------------------|---------------------|
| Capital assets, net (Note 3) | <u>1,205,755</u> |
| | <u>\$ 4,830,841</u> |

Liabilities and net assets:

Current liabilities:

| | |
|---------------------------------|------------------|
| Accounts payable (Note 4) | \$ 3,384,807 |
| Accrued wages and related | 40,432 |
| Accrued expenses | 33,026 |
| Management fee payable (Note 6) | 93,553 |
| Tenant security deposits | 183,352 |
| Security deposits - other | 11,751 |
| Deferred revenue | 34,357 |
| | <u>3,781,278</u> |

Net assets:

| | |
|---------------------------------------------------|---------------------|
| Investment in capital assets, net of related debt | 1,205,755 |
| Unrestricted (deficit) | (156,192) |
| | <u>1,049,563</u> |
| | <u>\$ 4,830,841</u> |

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MARINE DRIVE APARTMENTS, AN OPERATING DIVISION OF
BUFFALO MUNICIPAL HOUSING AUTHORITY

Statement of Revenues, Expenses and Changes in Net Assets

For the year ended March 31, 2009

Operating revenues:

| | |
|----------------------------|------------------|
| Net dwelling rental income | \$ 2,913,371 |
| Non-dwelling rental income | 36,576 |
| Laundry income | 61,791 |
| Other income | 11,875 |
| Total operating revenues | <u>3,023,613</u> |

Operating expenses:

| | |
|--------------------------|------------------|
| Management | 308,029 |
| Operating services | 331,984 |
| Utilities | 1,509,316 |
| Repairs and maintenance | 673,886 |
| Other operating expenses | 558,961 |
| Total operating expenses | <u>3,382,176</u> |

| | |
|----------------|-----------|
| Operating loss | (358,563) |
|----------------|-----------|

Non operating revenues:

| | |
|--------------------------------|---------------------|
| Interest revenue | <u>39,277</u> |
| Decrease in net assets | (319,286) |
| Net assets - beginning of year | <u>1,368,849</u> |
| Net assets - end of year | <u>\$ 1,049,563</u> |

MARINE DRIVE APARTMENTS, AN OPERATING DIVISION OF
BUFFALO MUNICIPAL HOUSING AUTHORITY

Statement of Cash Flows

For the year ended March 31, 2009

Cash flows from operating activities:

| | |
|-------------------------------------------------|----------------|
| Receipts from residents and other deposits | \$ 2,979,547 |
| Non-dwelling rental income | 36,576 |
| Laundry income | 61,791 |
| Other receipts | 24,329 |
| Payments to suppliers | (2,178,043) |
| Payments to/for employees | (821,030) |
| Net cash flows from operating activities | 103,170 |

Cash flows from investing activities:

| | |
|------------------|--------|
| Interest revenue | 39,277 |
|------------------|--------|

Net increase in cash and cash equivalents 142,447

Cash and cash equivalents - beginning of year 3,268,410

Cash and cash equivalents - end of year **\$ 3,410,857**

Reconciliation of Operating Loss to Net Cash Flows From Operating Activities:

| | |
|--------------------------------------------------------------------------------------|---------------------|
| Operating loss | \$ (358,563) |
| Adjustments to reconcile operating loss to net cash flows from operating activities: | |
| Depreciation | 77,719 |
| Provisions for bad debts | 15,017 |
| Changes in other operating assets and liabilities: | |
| Tenants accounts receivable | 24,331 |
| Accounts receivable - other | 24,809 |
| Prepaid expenses and related | (12,418) |
| Accounts payable | 299,362 |
| Accrued wages and related | 29,604 |
| Accrued expenses | 3,555 |
| Management fee payable | 248 |
| Tenant security deposits | 8,344 |
| Security deposits - other | (43,195) |
| Deferred revenue | 34,357 |
| Net cash flows from operating activities | \$ 103,170 |

See accompanying notes.

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MARINE DRIVE APARTMENTS, AN OPERATING DIVISION OF BUFFALO MUNICIPAL HOUSING AUTHORITY

Notes to Financial Statements

1. Summary of Significant Accounting Policies:

Organization:

Marine Drive Apartments (Marine Drive) is an operating division of Buffalo Municipal Housing Authority (the Authority), a public body corporate and politic pursuant to the Laws of the State of New York which was organized by the State Housing Act of 1937 to provide low rent housing in Buffalo, New York for qualified individuals in accordance with the rules and regulations prescribed by the U.S. Department of Housing and Urban Development (HUD), the New York State Division of Housing and Community Renewal (DHCR), and other federal agencies. Marine Drive operates a 616 unit residential, 6 unit professional, and 2 unit office space apartment complex located in Buffalo, New York. Funding for Marine Drive's programs is primarily through rental revenue on units which are owned by Marine Drive.

Basis of Presentation:

The financial statements herein present only the Authority's Marine Drive operations, and do not purport to, and do not, present fairly the financial position of the Authority as of March 31, 2009 and the changes in financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The financial statements of Marine Drive are prepared in conformity with U.S. generally accepted accounting principles (GAAP) as applied to government units. Marine Drive applies Governmental Accounting Standards Board (GASB) pronouncements as well as applicable Financial Accounting Standards Board (FASB) pronouncements issued on or after November 30, 1989, unless they conflict or contradict GASB pronouncements.

Measurement Focus:

Marine Drive and the Authority report as a special purpose government engaged in business-type activities, as defined by GASB Statement No. 34. Business-type activities are those that are financed in whole or in part by fees charged to external parties for goods or services. Marine Drive's financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenue are recorded when earned and expenses are recorded when a liability is incurred. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been satisfied.

Marine Drive's policy for defining operating activities in the statements of revenues, expenses and changes in net assets are those that generally result from exchange transactions such as payments received for services and payments made to purchase those goods or services. Certain other transactions are reported as non-operating activities and include investment revenue.

Use of Estimates:

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results could differ from those estimates.

Cash and Cash Equivalents:

Cash and cash equivalents may include demand deposits, U.S. Treasury Funds, and Certificates of Deposit with original maturities of three months or less.

Cash deposits maintained in banks are covered by U.S. Federal Deposit Insurance and by collateral held by custodial banks in the Authority's name based upon the average daily funds available as determined by the banks.

Collateral is required for demand and time deposits and certificates of deposit not covered by Federal Deposit Insurance. Obligations that may be pledged as collateral are obligations of the United States and its agencies and obligations of the state and its municipalities.

Custodial credit risk is the risk that in the event of a bank failure the Authority's deposits may not be returned to it. At March 31, 2009, the Authority's bank deposits were fully collateralized by FDIC coverage and securities held by a third party arrangement in the Authority's name.

Capital Assets:

Capital assets are reported at actual historical cost. For assets being depreciated, expense is calculated over estimated useful lives using the straight-line method. Maintenance and repairs are expensed as incurred; significant improvements are capitalized.

Risk Management:

The Authority is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Authority carries commercial insurance for all risks of loss, including workers' compensation and employee health and accident insurance, general liability, fire and extended coverage, fidelity bond, automobile, and Director and Officers' liability. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three fiscal years. Additionally, there have been no significant reductions in insurance coverage from the prior year.

3. Capital Assets:

| | Balance April 1, 2008 | Additions | Retirements/ Reclassifications | Balance March 30, 2009 |
|-------------------------------|-----------------------------|--------------------|-----------------------------------|------------------------------|
| Buildings and related | \$ 1,855,093 | \$ - | \$ - | \$ 1,855,093 |
| Less accumulated depreciation | (571,619) | (77,719) | - | (649,338) |
| | <u>\$ 1,283,474</u> | <u>\$ (77,719)</u> | <u>\$ -</u> | <u>\$ 1,205,755</u> |

The Authority capitalized costs associated with renovations and enhancements to Marine Drive Apartments. The assets are depreciated over periods not to exceed 27.5 years. Depreciation expense recognized in 2009 totaled \$77,719. Cumulative costs capitalized and accumulated depreciation at March 31, 2009 totaled \$1,855,093 and \$649,338, respectively.

Net Assets:

Invested in capital assets, net of related debt – consists of net capital assets reduced by outstanding balances of any related debt obligations attributable to the acquisition, construction, or improvement of the assets.

Unrestricted – consists of all other net assets that do not meet the definition of the above restrictions and are available for general use of Marine Drive.

2. Due From Other Funds:

The Authority made initial permanent type advances to its Revolving Fund of \$40,000, which is a fund established to account for joint costs common to both the Authority's Federal projects and Marine Drive.

4. Accounts Payable:

Accounts payable include amounts owed to the City of Buffalo, New York (the City) for water, sewer and other services totaling \$3,233,844 at March 31, 2009. The majority of amounts due are in arrears, and include accrued interest and penalties levied by the City of \$531,000. The Authority is negotiating a repayment settlement with the City.

5. Long Term Debt:

At March 31, 2009, Marine Drive has outstanding loans payable to the State of New York totaling approximately \$1,045,000. Aggregate annual principal payments of \$523,000 are due through 2011 plus interest at approximately 3.8%, secured by all rents and related revenue from the project. Principal and interest payments due have been subsidized by annual allocations from the State of New York, and it is management's opinion that future cash outlay requirements from Marine Drive for these loans is remote. As a result, the loans have not been recognized in Marine Drive's financial statements as a liability.

6. Management Fees:

Marine Drive pays fees for management services under an arrangement with the Authority. These management fees are computed monthly at a rate of \$7.50 per tenant. Management fee expense for the year ended March 31, 2009 totaled \$51,000.

7. Retirement Plan:

The Authority participates in the New York State and Local Employees' Retirement System (ERS), which is a cost-sharing multiple employer, public employee retirement system. ERS offers a wide range of plans and benefits which are related to years of service and final average salary, vesting of retirement benefits, death and disability.

ERS provides retirement benefits as well as death and disability benefits. New York State Retirement and Social Security Law governs obligations of employers and employees to contribute and provide benefits to employees. ERS issues a publicly available financial report that includes financial statements and required supplementary information. This report may be obtained by writing to the New York State and Local Retirement System, 110 State Street, Albany, New York 12244-0001.

ERS requires employee contributions of 3% of salary except for those who joined ERS before July 1976 or have greater than 10 years of service. For ERS, the Comptroller annually certifies the rates expressed as a percentage of the wages of participants used to compute the contributions required to be made by the Authority to the pension accumulation fund.

Marine Drive's allocated contribution was \$52,246 for the year ended March 31, 2009. The allocated contributions made were essentially equal to 100 percent of the Authority's allocated contributions for the year, and represented 8.1% - 10.8% of eligible salaries.

8. Contingencies:

The Authority is subject to possible examinations made by Federal and State authorities who determine compliance with terms, conditions, laws and regulations governing grants given to Marine Drive in the current and prior years.

The Authority is a defendant in various lawsuits. Although the outcome of these lawsuits is not presently determinable, it is the opinion of the Authority that resolution of these matters will not have a material adverse effect on the financial condition of Marine Drive or the Authority as a whole.

9. Leasing Activities (as Lessor):

Marine Drive leases dwelling units mainly to low-income residents. The rents under the leases are determined generally by the resident's income as adjusted for eligible deductions regulated by DHCR. Leases may be cancelled by the lessee at any time. Marine Drive may cancel the lease only for cause.

Revenues associated with these leases are recorded in the financial statements as "Net Dwelling Rental Income." Dwelling rent per unit generally remains consistent from year to year, but is affected by general economic conditions, which impact personal income and local job availability.

**Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based
on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards**

The Board of Commissioners
Buffalo Municipal Housing Authority
Buffalo, New York

We have audited the financial statements of Marine Drive Apartments (Marine Drive), an operating division of Buffalo Municipal Housing Authority (the Authority) as of and for the year ended March 31, 2009, and have issued our report thereon dated October 20, 2010. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control over Financial Reporting

In planning and performing our audit, we considered Marine Drive's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Marine Drive's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of Marine Drive's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However, as discussed below, we identified a deficiency in internal control over financial reporting that we consider to be a significant deficiency.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control. A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by Marine Drive's internal control. We consider the deficiency described below to be a significant deficiency in internal control over financial reporting.

Financial Reporting

Marine Drive is required to submit a Certified Annual Financial and Operating Report to the State of New York Department of Housing and Community Renewal (DHCR) within 60 days after the end of the fiscal year. Management was unaware of this requirement and has not filed the necessary reports with DHCR dating as far back as 2004. With auditor feedback and assistance, the Certified Annual Financial and Operating Report was prepared for the fiscal year ended March 31, 2009, although not within the required reporting timeframe. In addition, the New York Codes, Rules and Regulations requires the submission of compiled Quarterly Financial and Operating Reports within 45 days after the close of the period to which they relate. Marine Drive is delinquent on filing the 2009 compiled reports. Accordingly, where practical, Marine Drive should consider additional education or other resources to ensure a complete reporting process can be achieved and that all reports can be filed timely.

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During our 2009 audit, we became aware that the New York State Inspector General performed an investigation of the Authority's operating procedures and practices surrounding Marine Drive, and it issued a report dated August 19, 2009. We inspected management's response to the investigation, and encourage continuance of the proactive enhancements sited in the response.

Management Response

Management has considered the comments and seeks to monitor compliance and address remaining open issues as necessary.

.....

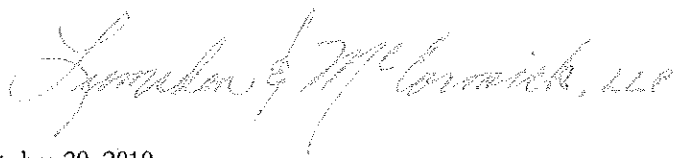
Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we believe the significant deficiency described above is not a material weakness.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Marine Drive's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We noted certain matters that we reported to management of Buffalo Municipal Housing Authority in a separate letter dated October 28, 2009.

This report is intended solely for the information and use of the Board of Commissioners, management and others within the Authority, and is not intended to be and should not be used by anyone other than these specified parties.



October 20, 2010

**INDEPENDENT AUDITORS' REPORT
ON ADDITIONAL INFORMATION**

The Board of Commissioners
Buffalo Municipal Housing Authority
Buffalo, New York

Our report on our audit of the 2009 basic financial statements of Marine Drive Apartments, an operating division of Buffalo Municipal Housing Authority, appears on page 1. That audit was made for the purpose of forming an opinion on the basic financial statements taken as a whole. The additional information on the subsequent 30 pages (NYS DHCR Supplemental Schedules) is presented for purposes of additional analysis, and is not a required part of the 2009 basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Lumsden & McCormick, LLP

October 20, 2010



Certified Annual Financial And Operating Report

Of The
Marine Drive Apartments

(Name of Housing Company)

Buffalo

NY

H024

City

Dev. No.

To The
Commissioner Of Housing And Community Renewal
Executive Department

Of The
State Of New York

For the Fiscal Year Ended 3 / 31 / 2009

New York State Division Of Housing And Community Renewal

25 Beaver Street, New York, NY 10004

Certified Annual Financial and Operating Report

Instructions

The Certified Annual Financial and Operating Report", form HAA-77, must be used by housing companies and their Certified Public Accountants to report fiscal and operating data to the New York State Division of Housing and Community Renewal (DHCR).

- Complete original and three copies. File original and two copies with DHCR within 60 days of the end of the operating (fiscal) year. Retain the third copy for housing company records.
- Fill in all information called for on statements, summaries and schedules, as appropriate. Should the space on any form prove insufficient to give the full information required, attach riders, properly identified, to provide the additional space.
- Attach explanatory times, statements of opinion and additional schedules (Example - Statement of Cash Flows) in accordance with generally accepted accounting principles, standards and procedures.
- Certification by the housing company's CPA will cover, at the very least, the Comparative Balance Sheet, Summary of Income & Expenses, Analysis of Income Sufficiency, and Statement of Cash Flows. All other information in this report will be considered supplemental unless otherwise stated in the certification.
- Where proration of lump sum items is not possible, enter data on the first relevant line item available and attach a note of explanation
- Include all transactions relating to a given project in a single report. Where a company is operating more than one project, apportionments of general expenses between these projects may be made **only upon prior approval of the proposed method by the Commissioner of Housing and Community Renewal.**

Send Original and Two Copies of HAA-77 To:

Housing Audits and Accounts
NYS Division Of Housing And Community Renewal
25 Beaver Street, 6th floor Room 683
New York, New York 10004

Housing Company Name: _____ Development Number: H024

Development Name: _____ Number of D.U.'s: _____
(Including Staff apartments)

Development Address: _____ Number of R.R.'s: _____
(Including Staff apartments)

Certified Annual Financial and Operating Report

Comparative Balance Sheet as of 3 / 31 / 2009
Month Day Year

Exhibit A

H024

Development Number

| Line Reference (a) | Account Number (b) | Item Description (c) | \$ Current Year (d) | \$ Prior Year (e) |
|--------------------|--------------------|-----------------------------------------------------------|---------------------|-------------------|
| | | Assets | | |
| | 1100 | Current Assets | | |
| 1. | 1111 | Petty Cash | 500 | |
| 2. | 1112 | Cash in Bank - Managing Agent | 2,620,470 | |
| 3. | 1113 | Cash in Bank - Administrative | 789,887 | |
| 4. | 1131-1134 | Accounts Receivable - Tenants (Schedule 1A) | 395,098 | |
| 6. | 1141-1144 | Less: Allowance for Doubtful Account (Schedule 1B) | (340,052) | |
| 7. | ----- | Net Accounts Receivable - Tenants | 55,046 | |
| 8. | 1135 | Amounts Due from Parents | | |
| 9. | 1136 | Amounts Due from Managing Agent/Rental Agent | | |
| 10. | 1139 | Other Accounts Receivable (Schedule 2 - if material) | 42,804 | |
| 11. | 1120 | Investments - Administrative Funds (Schedule 3) | | |
| 12. | 1150 | Accrued Interest Receivable - Administrative Funds | | |
| 13. | 1160 | Prepaid Expenses | 116,379 | |
| | ===== | Total Current Assets (Lines 1 through 3 and 6 through 12) | 3,625,086 | |
| | 1200 | Funds | | |
| | 1210 | Operating Escrow | | |
| 14. | 1211 | Cash | | |
| 15. | 1212 | Accrued Interest Receivable | | |
| 16. | 1213 | Investments (Schedule 3) | | |
| 17. | ----- | Total Operating Escrow (Schedule 4) | | |
| | 1220 | Development/Equity Escrow | | |
| 18. | 1221 | Cash | | |
| 19. | 1222 | Accrued Interest Receivable | | |
| 20. | 1223 | Investments (Schedule 3) | | |
| 21. | ----- | Total Development/Equity Escrow | | |

Certified Annual Financial and Operating Report
Comparative Balance Sheet as of 3 / 31 / 2009

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Exhibit A

H024

Development Number

| Line Reference (a) | Account Number (b) | Item Description (c) | \$ Current Year (d) | \$ Prior Year (e) |
|--------------------|--------------------|------------------------------------------------------------------------|---------------------|-------------------|
| | | Assets | | |
| | | Funds - (continued) | | |
| | 1230 | Mortgage Repayment Escrow | | |
| 22. | 1231 | Cash | | |
| 23. | 1232 | Accrued Interest Receivable | | |
| 24. | 1233 | Investments | | |
| 25. | ----- | Total Mortgage Repayment Escrow | | |
| 26. | 1240 | Project Mortgage Loan Account | | |
| | 1250 | Special Funds Held by Mortgagee (Specify): | | |
| 27. | ----- | _____ | | |
| 28. | ----- | _____ | | |
| 29. | ----- | Other: _____ | | |
| 30. | ----- | _____ | | |
| 31. | ===== | Total Funds (Lines 17, 21, 25, 26, 27, 28, 29 and 30) | | |
| 32. | 1300 | Tenant Security Deposits | | |
| | 1400 | Fixed Assets | | |
| 33. | 1410 | Land | | |
| 34. | 1420 | Building, Improvements, Equipment | 1,855,093 | |
| 35. | 1510 | Less: Accumulated Depreciation | (649,338) | |
| 36. | ----- | Net Building, Improvements, Equipment | 1,205,755 | |
| 37. | ===== | Total Fixed Assets (Lines 33 and 36) | 1,205,755 | |
| | 1600 | Deferred Charges and Other Assets | | |
| 38. | ----- | Deferred Charges: _____ | | |
| 39. | ----- | _____ | | |
| 40. | ----- | Other Assets: _____ | | |
| 41. | ----- | _____ | | |
| 42. | ===== | Total Deferred Charges and Other Assets (Line 38 through 41) | | |
| 43. | ===== | Total Assets (Lines 13, 31, 32, 37 and 42) | 4,830,841 | |

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| Certified Annual Financial and Operating Report Comparative Balance Sheet as of <u>3</u> / <u>31</u> / <u>2009</u> | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------------------------------------------|------------------------------------------|----------------------|
| Exhibit A | | | H024 Development Number | |
| Line Reference (a) | Account Number (b) | Item Description (c) | \$ Current Year (d) | \$ Prior Year (e) |
| | | Liabilities and Capital | | |
| | 2100 | Current Liabilities | | |
| 44. | 2110 | Notes Payable | | |
| 45. | 2120 | Accounts Payable (Schedule 6) | 3,384,807 | |
| 46. | 2130 | Development Costs Payable | | |
| 47. | 2140 | Accrued Interest Payable | | |
| 48. | 2150 | Accrued Operating Expenses Payable | 138,330 | |
| 49. | 2160 | Real Estate Taxes Payable | | |
| 50. | 2170 | Payroll Taxes and Benefits Payable | 40,432 | |
| 51. | 2180 | Prepaid Rent | 34,357 | |
| 52. | 2191 | Other: Excess Rents Due HUD | | |
| 53. | ----- | | | |
| 54. | ----- | | | |
| 55. | ===== | Total Current Liabilities (Lines 44 through 54) | 3,597,926 | |
| | 2200 | Deferred Credits and Deposits | | |
| 56. | 2210 | Tenant's Security Deposits | 183,352 | |
| 57. | 2220 | Application Deposits | | |
| 58. | ----- | Credits: _____ | | |
| 59. | ----- | _____ | | |
| 60. | ===== | Total Deferred Credits and Deposits (Lines 56 through 59) | 183,352 | |
| | 2300 | Long Term Liabilities* | | |
| 61. | 2310 | Mortgage Loan at Original Face Amount (a) | | |
| 62. | 2320 | Less: Amortization | | |
| 63. | ----- | Net Mortgage Payable | | |
| <p>* Where project is financed by more than one mortgage loan, show amounts separately on lines provided.</p> | | | | |

Certified Annual Financial and Operating Report
Comparative Balance Sheet as of 3 / 31 / 2009

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Exhibit A

H024
Development Number

| Line Reference (a) | Account Number (b) | Item Description (c) | \$ Current Year (d) | \$ Prior Year (e) |
|--------------------|--------------------|----------------------------------------------------------------------------------------|---------------------|-------------------|
| | | Liabilities and Capital | | |
| | | Long Term Liabilities - (continued) | | |
| 64. | 2310 | Mortgage Loan at Original Face Amount (b) | | |
| 65. | 2320 | Less: Amortization | | |
| 66. | ----- | Net Mortgage Payable | | |
| 67. | ----- | Other: _____ | | |
| 68. | ----- | _____ | | |
| 69. | ===== | Total Long Term Liabilities (Lines 63, 66, 67 and 68) | | |
| | 2500 | Project Capital | | |
| 70. | 2510 | Capital Stock (Schedule 7) | | |
| 71. | 2520 | Paid-In Capital (Schedule 8) | | |
| 72. | 2530 | Original Capital Contribution | | |
| 73. | 2540 | Additional Capital Contribution | | |
| 74. | ----- | Total Capital Stock and Capital Contributions (Lines 70 through 73) | | |
| 75. | 2580 | Retained Earnings (Schedule 9) | 1,049,563 | |
| 76. | ----- | Adjusted Total Capital Stock and Contributions (Lines 74 plus or minus line 75) | 1,049,563 | |
| 77. | 2550 | Income Debentures (Schedule 11) | | |
| 78. | 2560 | Accumulated Debenture Interest Payable | | |
| 79. | 2570 | Grants in Aid | | |
| 80. | ===== | Total Project Capital (Lines 76 through 79) | 1,049,563 | |
| 81. | ===== | Total Liabilities and Capital (Lines 55, 60, 69 and 80) | 4,830,841 | |

Certified Annual Financial and Operating Report

Summary of Income and Expenses for the Year Ended 3 / 31 / 2009

Exhibit B

H024

Development Number

| Line Reference (a) | Account Number (b) | Item Description (c) | Amount (d) |
|-----------------------|-----------------------|---------------------------------------------------------------------------------|-------------------|
| Income | | | |
| 8. | ----- | Total Apartment Rental Income | <u>2,913,371</u> |
| 20. | ----- | Total Other Rental Income | <u>36,576</u> |
| 21. | 5300 | HUD Interest Reduction Subsidy | <u> </u> |
| 28. | ----- | Total Interest Income | <u>39,277</u> |
| 36. | ----- | Total Other Income | <u>73,666</u> |
| 37. | ===== | Total Income | <u>3,062,890</u> |
| Expenses | | | |
| 47. | ----- | Total Management Expenses | <u>264,444</u> |
| 52. | ----- | Total Professional Services | <u>43,585</u> |
| 77. | ----- | Total Maintenance & Operating Expenses | <u>775,319</u> |
| 78. | 6400 | Painting & Decorating (Actual) | <u>113,532</u> |
| 83. | ----- | Total Security/Protection | <u>120,573</u> |
| 93. | ----- | Total Utilities | <u>1,509,316</u> |
| 94. | 6710 | Real Estate Taxes | <u>21,996</u> |
| 95. | 6720 | Insurance | <u>142,590</u> |
| 99. | ----- | Total Employee Benefits, Payroll and Other Taxes | <u>296,236</u> |
| 105. | ----- | Total Financial Expenses and Supervisory Fees | <u> </u> |
| 110. | ----- | Total other expenses | <u>16,866</u> |
| 111. | ===== | Total Expenses Before Depreciation and Amortization of Deferred Charges | <u>3,304,457</u> |
| 112. | ===== | Net Profit/Loss Before Depreciation and Amortization of Deferred Charges | <u> </u> |
| 113. | 7100 | Depreciation Expense | <u>77,719</u> |
| 114. | 7200 | Amortization of Deferred Charges | <u> </u> |
| 115. | ----- | Total Expenses After Depreciation and Amortization of Deferred Charges | <u>3,382,176</u> |
| 116. | ----- | Net Profit/Loss | <u>(319,286)</u> |

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Certified Annual Financial and Operating Report

Summary of Income and Expenses for the Year Ended 3 / 31 / 2009

Exhibit B

H024

Development Number

| Line Reference (a) | Account Number (b) | Item Description (c) | Amount (d) |
|--------------------------|----------------------------|----------------------------------------------------------------|-----------------------------|
| | 5100 & 5200 | Income | |
| | | Apartment Rental Income | |
| 1. | 5110 | Gross Scheduled Apartment Rental Income | <u>3,089,024</u> |
| 2. | 5211 | Less: Vacancy Loss (Apts. Available for Occupancy | <u>(264,528)</u> |
| 3. | 5212 | Vacancy Loss (Apts. Unavailable for Occupancy) | <u> </u> |
| 4. | 5250 | Allowances | <u> </u> |
| 5. | 5260 | Resident Employee Apartments | <u> </u> |
| 6. | ----- | Net Apartment Rental Income (Line 1 minus Lines 2 through 5) | <u>2,824,496</u> |
| 7. | 5120 | Surcharges | <u>88,875</u> |
| 8. | ===== | Total Apartment Rental Income (Lines 6 and 7) | <u>2,913,371</u> |
| | 5100 & 5200 | Other Rental Income | |
| 9. | 5130 | Gross Commercial Rental Income | <u>36,576</u> |
| 10. | 5220 | Less: Vacancy Loss-Commercial | <u> </u> |
| 11. | ----- | Net Commercial Rental Income | <u>36,576</u> |
| 12. | 5140 | Gross Professional Apt. Rental Income | <u> </u> |
| 13. | 5230 | Less: Vacancy Loss-Professional | <u> </u> |
| 14. | ----- | Net Professional Apt. Rental Income | <u> </u> |
| 15. | 5150 | Gross Parking Rents | <u> </u> |
| 16. | 5240 | Less: Vacancy Loss -Parking | <u> </u> |
| 17. | ----- | Net Parking Rents | <u> </u> |
| 18. | ----- | Other: Laundry | <u>61,791</u> |
| 19. | ----- | Other | <u>11,875</u> |
| 20. | ===== | Total Other Rental Income (Lines 11, 14, 17, 18 and 19) | <u>110,242</u> |
| 21. | 5300 | HUD Interest Reduction | <u> </u> |

Certified Annual Financial and Operating Report

Summary of Income and Expenses for the Year Ended 3 / 31 / 2009

Exhibit B

H024

Development Number

| Line Reference (a) | Account Number (b) | Item Description (c) | Amount (d) |
|--------------------------|--------------------------|---------------------------------------------------------------------------------------------------------|------------------|
| | | Income | |
| | 5400 | Interest Income | |
| 22. | 5410 | Escrow Group (Real Estate Taxes, Water & Sewer, Insurance; Debt Service-State Comptroller Jobs Only) | _____ |
| 23. | 5420 | Reserve Group (contingency Reserves; Replacement Reserves; Painting & Decorating) | <u>39,277</u> |
| 24. | 5430 | Debt Service Escrow (HFA Projects Only) | _____ |
| 25. | 5440 | Administrative Operating Funds | _____ |
| 26. | ----- | Other: _____ | _____ |
| 27. | ----- | _____ | _____ |
| 29. | ===== | Total Interest Income (Lines 22 through 27) | <u>39,277</u> |
| | | Other Income | |
| 29. | 5510 | Air Conditioners | _____ |
| 30. | 5520 | Other Appliance Charges | _____ |
| 31. | 5130 | Laundry Room | _____ |
| 32. | 5440 | Community Room | _____ |
| 33. | 5550 | Other Charges to Tenants | _____ |
| 34. | ----- | Other: _____ | _____ |
| 35. | ----- | _____ | _____ |
| 36. | ===== | Total Other Income (Lines 29 through 35) | _____ |
| 37. | ===== | Total Income (Lines 8, 20, 21, 28 and 36) | <u>3,062,890</u> |

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Certified Annual Financial and Operating Report

Summary of Income and Expenses for the Year Ended 3 / 31 / 2009

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Exhibit B

H024

Development Number

| Line Reference (a) | Account Number (b) | Item Description (c) | Amount (d) |
|--------------------------|--------------------------|-----------------------------------------------------------------|---------------|
| | | Expenses | |
| | 6100 | Management Expenses | |
| 38. | 6110 | Selling and Renting | |
| 39. | 6120 | Management Fee | 51,192 |
| 40. | 6130 | Administrative Fee | |
| 41. | 6140 | Re-rental Fee | |
| 42. | 6150 | Manager's Salary | |
| 43. | 6160 | Administrative Office Salaries (Other than Selling and Renting) | 134,020 |
| 44. | 6170 | Administrative Office Expenses (Other than Selling and Renting) | 79,232 |
| 45. | ----- | Other: _____ | |
| 46. | ----- | _____ | |
| 47. | ===== | Total Management Expenses (Lines 39 through 46) | 264,444 |
| | 6200 | Professional Services | |
| 48. | 6210 | Legal | 32,608 |
| 49. | 6220 | Accounting | 10,977 |
| 50. | ----- | Other: _____ | |
| 51. | ----- | _____ | |
| 52. | ===== | Total Professional Services (Lines 48 through 51) | 43,585 |
| | 6300 | Maintenance & Operating Expenses | |
| | 6310 | Janitorial & Grounds | |
| 53. | 6311 | Janitorial Payroll | 167,527 |
| 54. | 6312 | Janitorial Payroll (Overtime) | |
| 55. | 6313 | Janitorial Contract (Staffing, etc.) | |
| 56. | 6314 | Janitorial Materials, Tools and Supplies | 32,203 |
| 57. | 6315 | Exterminating | 11,681 |
| 58. | 6316 | Rubbish Removal | |
| 59. | 6317 | Grounds Maintenance | 78,822 |
| 60. | 6319 | Miscellaneous Janitorial & Grounds | |
| 61. | ===== | Total Janitorial & Grounds (Lines 53 through 60) | 290,233 |

Certified Annual Financial and Operating Report

Summary of Income and Expenses for the Year Ended 3 / 31 / 2009

Exhibit B

H024

Development Number

| Line Reference (a) | Account Number (b) | Item Description (c) | Amount (d) |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------------|---------------|
| | | Expenses | |
| | | Maintenance & Operating Expenses - (continued) | |
| | 6320 | Repairs & Maintenance | |
| 62. | 6321 | Superintendent's Salary | |
| 63. | 6322 | Maintenance Payroll | 253,528 |
| 64. | 6323 | Maintenance Payroll (Overtime) | |
| 65. | 6324 | Maintenance Payroll (staffing, etc.) | |
| 66. | 6325 | Repairs & Maintenance Materials, Tools and Supplies | |
| 67. | 6331 | Contracted Service: Electrical | 15,605 |
| 68. | 6332 | Plumbing | 67,144 |
| 69. | 6333 | Elevator | 56,869 |
| 70. | 6334 | Heating System | 25,104 |
| 71. | 6335 | Structural | 17,166 |
| 72. | 6336 | Mechanical | |
| 73. | ----- | | |
| 74. | ----- | | |
| 75. | ===== | Total Repairs & Maintenance (Lines 62 through 74 - Includes Contracted Services) | 435,416 |
| 76. | 6390 | Miscellaneous Maintenance & Operating Expense | 49,670 |
| 77. | ===== | Total Maintenance & Operating Expense (Lines 61, 75 and 76) | 775,319 |
| 78. | 6400 | Painting & Decorating (Actual) | 113,532 |
| | 6500 | Security/Protection | |
| 79. | 6510 | Payroll | |
| 80. | 6520 | Overtime Payroll | |
| 81. | 6530 | Contract (Staffing, etc.) | 120,573 |
| 82. | 6540 | Uniform and Supplies | |
| 83. | ===== | Total Security/Protection (Lines 79 through 82) | 120,573 |

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Certified Annual Financial and Operating Report

Summary of Income and Expenses for the Year Ended 3 / 31 / 2009

Exhibit B

H024

Development Number

| Line Reference (a) | Account Number (b) | Item Description (c) | Amount (d) |
|--------------------|--------------------|-------------------------------------------------------------------------------|------------------|
| | 6600 | Expenses | |
| | | Utilities | |
| 84. | 6611 | Fuel: Oil | |
| 85. | 6612 | Gas | 532,367 |
| 86. | 6613 | Steam | |
| 87. | 6620 | Electricity | 321,526 |
| 88. | 6630 | Gas (Cooking) | |
| 89. | 6640 | Water and Sewer (Combined) | 436,595 |
| 90. | 6641 | Water | 421,645 |
| 91. | 6642 | Sewer | 14,950 |
| 92. | 6650 | Power Plant /1 | 218,828 |
| 93. | ===== | Total Utilities (Lines 84 through 89 and Line 92) | <u>1,509,316</u> |
| 94. | 6710 | Real Estate Taxes | <u>21,996</u> |
| 95. | 6720 | Insurance | <u>142,590</u> |
| | 6730 | Employee Benefits, Payroll and Other Taxes | |
| 96. | 6731 | Employee Benefits and Related Insurance | 237,356 |
| 97. | 6732 | Payroll Taxes | 58,880 |
| 98. | 6739 | Other Taxes | |
| 99. | ===== | Total Employee Benefits, Payroll and Other Taxes (Lines 96 through 98) | <u>296,236</u> |
| | 6800 | Financial Expenses and Supervisory Fees | |
| 100. | 6810 | Interest on Mortgage(s)) | |
| 101. | 6820 | HFA Fee | |
| 102. | 6830 | FHA Fee | |
| 103. | 6840 | DHCR Fee (Limited Dividend Only) | |
| 104. | 6890 | Other Interest Expenses | |
| 105. | ===== | Total Financial Expenses and Supervisory Fees (Lines 100 through 104) | |

/1 Applicable only to housing companies with generating facilities housed in a separate structure.
Attach schedule listing detailed breakdown of expenses.

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Certified Annual Financial and Operating Report

Statement of Income and Expenses for the Year Ended 3 / 31 / 2009

Exhibit B

H024

Development Number

| Line Reference (a) | Account Number (b) | Item Description (c) | Amount (d) |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| | | Expenses | |
| | 6900 | Other Expenses | |
| 106. | 6910 | Collection Losses | <u>16,507</u> |
| 107. | 6920 | Community Activities | <u> </u> |
| 108. | ----- | Other: <u>Miscellaneous</u> | <u>359</u> |
| 109. | ----- | <u> </u> | <u> </u> |
| 110. | ===== | Total Other Expenses (Lines 106 through 109) | <u>16,866</u> |
| 111. | ===== | Total Expenses Before Depreciation and Amortization of Deferred Charges (Lines 47, 52, 77, 78, 83, 93, 94, 95, 99, 105 and 110) | <u>3,304,457</u> |
| 112. | ===== | Net Profit/Loss Before Depreciation and Amortization of Deferred Charges (Line 37 minus Line 111) | <u>(241,567)</u> |
| 113. | 7100 | Depreciation Expense | <u>77,719</u> |
| 114. | 7200 | Amortization of Deferred Charges | <u> </u> |
| 115. | ===== | Total Expenses after Depreciation and Amortization of Deferred Charges (Lines 111, 113 and 114) | <u>3,382,176</u> |
| 116. | ===== | Net Profit/Loss (Line 37 minus Line 115) | <u>(319,286)</u> |

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Certified Annual Financial and Operating Report

Analysis of Income Sufficiency for the Year Ended 3 / 31 / 2009

Exhibit C

H024

Development Number

| Line Reference (a) | Item Description (c) | Amount (d) |
|-----------------------|-------------------------------------------------------------------------------------------------------|---------------|
| 1. | Net Profit/Loss before Depreciation and Amortization of Deferred Charges (Exhibit B, Line 112) | (226,550) |
| 2. | Add: Repairs Included in Expenses but Funded from Reserves | |
| 3. | Operating Expenses Funded from Sources Other than Operating Income and Reserves | |
| 4. | Interest on Mortgage(s) | |
| 5. | Operations Subtotal (Lines 1 through 4) | (226,550) |
| 6. | Less: Restricted Interest (Exhibit B, Line 23) | 39,277 |
| 7. | | |
| 8. | Total (Lines 6 and 7) | 39,277 |
| 9. | Adjusted Operations - Before Debt Service (Line 5 minus 8) Other | (265,827) |
| | Less: Required Debt Service | |
| 10. | Interest on Mortgage (s) | |
| 11. | Mortgage Amortization | |
| 12. | Adjusted Operations (Line 9 minus Lines 10 and 11) | (265,827) |
| | Less: Required Funding | |
| 13. | Replacement Reserve <u>1/</u> | |
| 14. | Special Escrow | |
| 15. | Painting & Decorating | |
| 16. | Less: Actual (Paid from Reserve) | |
| 17. | Contingency Reserve | |
| 18. | Less: Collection & Vacancy Losses | <u>12</u> |
| | Other Use of Operating Funds | |
| 19. | Operating Escrow Arrears, (Excluding Reserves) | |
| 20. | Capital Expenditures Funded from Operations | |
| 21. | Total Deductions (Lines 13, 14, 16, 18, 19 and 20) | |
| 22. | Surplus/Insufficiency - Gross (Line 12 minus Line 21) | (265,827) |
| | Less: Other Required Use of Operating Cash | |
| 23. | Prior Years' Debt Service (Cumulative) | |
| 24. | Dividends on Stock | |
| 25. | Return on Equity | |
| 26. | Interest on Debentures | |
| 27. | Total (Lines 23 through 26) | |
| 28. | Fully Adjusted Surplus/Insufficiency (Line 22 minus Line 27) | |

1/ Includes scheduled funding of prior arrears.

2/ Not less than zero.

Certified Annual Financial and Operating Report

Schedule 1A: Analysis Of Aged Accounts Receivable - Tenant And Other Accounts /1

H024

Development Number

| | Opening Balance (a) | Billings & Adjustment (b) | Collections & Adjustments /2 (c) | Category Transfer /3 (d) | Closing Balance (e) | \$ Amounts Owed, By Total Months Due | | | | | Over 12 Months (k) |
|-------------------------------------------------------------------|---------------------|---------------------------|----------------------------------|--------------------------|---------------------|--------------------------------------|---------------|---------------|--------------|-----------------|--------------------|
| | | | | | | 1 Month (f) | 2 Months (g) | 3 Months (h) | 4 Months (i) | 5-12 Months (j) | |
| Residential Tenants: | | | | | | | | | | | |
| 1. Current - Amount Owed (\$) | 109,006 | 2,900,171 | 2,924,602 | (29,600) | 54,975 | 22,399 | 12,849 | 7,546 | 3,757 | 8,424 | - |
| 2. Current - Number of Tenants | 371 | | | (6) | 218 | 184 | 21 | 6 | 3 | 3 | - |
| 3. Former - Amount Owed (\$) | 294,253 | | | 29,600 | 323,853 | 2,031 | - | 3,447 | 3,230 | 34,272 | 280,873 |
| 4. Former - Number of Tenants | 115 | | | 6 | 121 | 3 | - | 3 | 2 | 12 | 101 |
| Non - Residential Tenants: | | | | | | | | | | | |
| 5. Current - Amount Owed (\$) | 1,305 | 13,200 | 13,100 | - | 1,405 | - | 1,000 | 405 | - | - | - |
| 6. Current - Number of Tenants | 4 | | | - | 2 | - | 1 | 1 | - | - | - |
| 7. Former - Amount Owed (\$) | 14,865 | | | - | 14,865 | - | - | - | - | - | 14,865 |
| 8. Former - Number of Tenants | 2 | | | - | 2 | - | - | - | - | - | 2 |
| Direct HUD Subsidies: | | | | | | | | | | | |
| 9. Rent Supplement (\$) | | | | | | | | | | | |
| 10. Rental Assistance Program (\$) | | | | | | | | | | | |
| 11. Section 8 (\$) | | | | | | | | | | | |
| 12. Local Housing Authority (\$) | | | | | | | | | | | |
| 13. Other (\$) | | | | | | | | | | | |
| Total (\$ Only - Lines 1, 3, 5, 7, 9, 10, 11, 12 & 13) | 419,429 | 2,913,371 | 2,937,702 | - | 395,098 | 24,430 | 13,849 | 11,398 | 6,987 | 42,696 | 295,738 |

/1 Columns a through e must cross-foot to Closing Balance amount (column e): i.e., a + b - c ± d = e.

/2 Complete the following: Included in calculations for column c is _____ in collection losses actually written off against the allowance for doubtful accounts.

Amount (\$)

/3 Change in status of receivables, such as move-out of tenants who were carried as Current during last period.

Certified Annual Financial and Operating Report

Schedule 1B: Analysis Of Aged Accounts Receivable - Calculation of Allowance for Doubtful Accounts

H024

Development Number

| Total | \$ Amounts Owed, By Total Months Due | | | | | |
|---------|--------------------------------------|-----------------|-----------------|-----------------|--------------------|-----------------------|
| | 1 Month (f) | 2 Months (g) | 3 Months (h) | 4 Months (i) | 5-12 Months (j) | Over 12 Months (k) |
| | 22,399 3% | 13,849 3% | 7,951 3% | 3,757 3% | 8,424 3% | - 3% |
| 1,692 | 672 | 415 | 239 | 113 | 253 | |
| 338,360 | 2,031 | - | 3,447 | 3,230 | 34,272 | 295,380 |
| 340,052 | 2,703 | 415 | 3,686 | 3,343 | 34,525 | 295,380 |

a. Total Amounts Owed - Current Tenants (Add Lines i and j from Schedule 1A, columns f through k, and enter in appropriate columns here.)

b. Estimated Percent Uncollectible By Number of Months Owed.

c. Estimated Dollars Uncollectible (Line a times Line b above; show total for columns f through k in total column.)

d. Former Tenants - Presumed Uncollectible (Add Lines 3 and 7 from Schedule 1A, columns f through k, and enter in appropriate columns here. Show total in total column.)

e. Allowance for Doubtful Accounts - Total Estimated Dollars Uncollectible (Lines c + d; show total for columns f through k in total column.)

Schedule 1C: Occupancy Statistics

| | | | | | | | |
|----|-----------|----|------------|----|------------|----|------------|
| 58 | 1 Bedroom | 58 | 2 Bedrooms | 66 | 3 Bedrooms | 11 | 4 Bedrooms |
|----|-----------|----|------------|----|------------|----|------------|

Number of vacant rental units at the end of the year: 36

Total number of move-outs during the year: 61

Number of applicants on waiting list at the end of the year: 99

Certified Annual Financial and Operating Report

Analysis of Investments

Schedule 3

H024

Development Number

Operating Escrow Fund

N/A

| Name of Security | Maturity Date | Interest Rate On Face of Security | Amortized Cost | Face Or Maturity Value |
|------------------|---------------|-----------------------------------------|----------------|---------------------------|
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| Total | | | | |

Development/Equity Escrow Fund

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| Totals | | | | |

Administrative Funds

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| Totals | | | | |

Other Funds (Specify)

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| | | | | |
| Total | | | | |

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Certified Annual Financial and Operating Report

Analysis Of Operating Escrow Fund

H024

Development Number

Schedule 4

| Description | Beginning Balance | Additions | Expended And/Or Withdrawn | Recalculation Of Funds | | Ending Balance |
|---------------------------------|-------------------|-----------|---------------------------|------------------------|----------|----------------|
| | | | | Increase | Decrease | |
| Escrow Group: | | | | | | |
| Insurance | | | | | | |
| Real Estate Taxes | | | | | | |
| Water & Sewer | | | | | | |
| Reserve Group: | | | | | | |
| Painting & Decorating | | | | | | |
| Contingency | | | | | | |
| Replacement | 2,589,065.62 | 31,916.15 | (511.80) | | | 2,620,469.97 |
| Encumbrances | | | | | | |
| Other Special Reserves | | | | | | |
| Interest Earned (Accrual Basis) | | | | | | |
| Totals | | | | | | |

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Schedule 5A

Certified Annual Financial and Operating Report
Buildings, Improvements and Equipment
Structures, Equipment (Fixed and Portable), Improvements, Furniture and Fixtures Miscellaneous

H024

Development Number

| Item | Cost at beginning of year | Additions to cost during year | Cost at end of year | Depreciation taken beginning of year | Depreciation taken this year | Total depreciation to end of year | Remaining cost to be recovered | Annual rate of depreciation |
|--------------------------------|---------------------------|-------------------------------|---------------------|--------------------------------------|------------------------------|-----------------------------------|--------------------------------|-----------------------------|
| Buildings | | | | | | | | |
| 205 Marine Drive Building Roof | 998,362 | | 998,362 | 311,178 | 36,304 | 347,482 | 650,880 | 36,304 |
| Roof Waterproofing | 588,779 | | 588,779 | 185,045 | 23,551 | 208,596 | 380,183 | 23,551 |
| Building Improvements | 187,827 | | 187,827 | 71,911 | 12,522 | 84,433 | 103,394 | 12,522 |
| Building Improvements | 36,666 | | 36,666 | 2,037 | 2,444 | 4,481 | 32,185 | 2,444 |
| High Voltage | 43,459 | | 43,459 | 1,448 | 2,898 | 4,346 | 39,113 | 4,346 |
| | | | | | | | | |
| Sub-totals, Buildings | 1,855,093 | | 1,855,093 | 571,619 | 77,719 | 649,338 | 1,205,755 | |
| Building Equipment, Fixed | | | | | | | | |
| Building Equipment, Portable | | | | | | | | |
| Furniture | | | | | | | | |
| Maintenance Equipment, | | | | | | | | |
| Motor Vehicles | | | | | | | | |
| Other Fixed Assets | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Totals | 1,855,093 | | 1,855,093 | 571,619 | 77,719 | 649,338 | 1,205,755 | |

* Do not list assets fully depreciated at end of previous fiscal year.

HAA-77.9 (11/93)

New York State Division of Housing and Community Renewal

Page 19 of 29

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198

N/A

H024

Development Number

| Description (a) | Source of Funding (b) | \$ Actual (Accrued) (c) |
|----------------------------|--------------------------|----------------------------|
| Funded From Operations: | Account Number: | |
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| | Total | |
| Funded From Reserves: | Specify Reserves: | |
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| | Total | |
| Funded from Other Sources- | Identify: | |
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| | | |
| | | |
| | Total | |
| | Total - All Categories | |

Certified Annual Financial and Operating Report

H024

Schedule 6: Analysis of Aged Accounts Payable

Development Number

| Account Number (a) | Vendor/Supplier /1 (b) | Total (c) | Break-down by Number of Days Due Since Invoice Date /2 | | | |
|-----------------------|---------------------------------------------|------------------|--------------------------------------------------------|---------------------|---------------------|---------------------|
| | | | 1 - 30 Days (d) | 31 - 60 Days (e) | 61 - 90 Days (f) | Over 90 Days (g) |
| 6200 | Professional Services Erie Regional HDC | 1,465 | 1,465 | | | |
| | | | | | | |
| | | | | | | |
| 6300 | Maintenance & Operating Expenses | | | | | |
| | Home Depot | 3,124 | 3,124 | | | |
| | City of Buffalo | 1,300 | 1,300 | | | |
| | Elbers Landscaping | 10,057 | 10,057 | | | |
| 6400 | Painting & Decorating | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| 6500 | Security / Protection US Security Assoc. | 4,473 | 4,473 | | | |
| | | | | | | |
| | | | | | | |
| 6600 | Utilities | | | | | |
| | City of Buffalo | 1,876,899 | | | | 1,876,899 |
| | Division of Water | 1,356,945 | 30,983 | 34,969 | 17,602 | 1,273,391 |
| | National Grid | 68,029 | 68,029 | | | |
| | | | | | | |
| ----- | Other | | | | | |
| | Oksana Khoma | 1,000 | 1,000 | | | |
| | Other < \$1,000 | (888) | 5 | (695) | | (198) |
| | BMHA | 64,723 | 64,723 | | | |
| | Blue Cross Blue Shield | (2,320) | (2,320) | | | |
| ----- | Total - All Charges | 3,384,807 | 182,839 | 34,274 | 17,602 | 3,150,092 |

/1 Group by account number. List items individually if amounts due are \$1,000 or more. For those items where amounts are less than \$1,000, group together and show as single entry.

/2 Refers, to number of days due from invoice date to the end of the fiscal year.

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Certified Annual Financial and Operating Report

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Paid-In Capital

Schedule 8

N/A

H024

Development Number

| | |
|----------------------------|--|
| Balance, Beginning of Year | |
| Adjustments (Explain) | |
| | |
| | |
| | |
| | |
| Balance, End of Year | |

Schedule 9

Retained Earnings

| | |
|---------------------------------------------------------------------------------|-----------|
| Balance, Beginning of Year | 1,368,849 |
| Net Profit (Loss) for Year Ended | (319,286) |
| Prior Year Adjustments (Explain) | |
| | |
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| | |
| Interest on Debentures | |
| Dividends Declared During the Year, or Return on Equity Approved During Year | |
| Balance, End of Year | 1,049,563 |

Certified Annual Financial and Operating Report

Analysis of Sinking Funds

H024

Development Number

| Name of Sinking Fund | Amount at Beginning of Year | Contribution During Year | Total | No. of Shares or Par Value of Debentures | Expenditures During Year For Retirement of Securities | Amount at End of Year |
|----------------------|-----------------------------|--------------------------|-------|------------------------------------------|----------------------------------------------------------|-----------------------|
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| Totals | | | | | | |

Income Debentures

Total Amount Authorized: \$ _____
Total Amount Issued: \$ _____
Total Amount Redeemed: \$ _____
Net Balance Outstanding at Beginning of Year: \$ _____

| Balance Outstanding at Beginning of Year | Increase During Year | | Retirements During Year | | | | Cost to Housing Company | Balance End of Year |
|------------------------------------------------|----------------------|--------|-------------------------|------------|------|----------------------------|----------------------------|------------------------|
| | Date | Amount | Source of Funds | | Date | Par Value of Debentures | | |
| | | | Sinking Funds | Fund Other | | | | |
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| | Totals | | | | | | | |

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Certified Annual Financial and Operating Report
Status Of Dividends And Debenture Interest or
Return On Equity

203

Schedule 12A

N/A

H024

Development Number

| Item | Accumulated Total At Beginning Of Year | Transaction During Year | Accumulated Total At End Of Year |
|-------------------------------------------------------|----------------------------------------|-------------------------|----------------------------------|
| Dividends or Return on Equity - Accrued | | | |
| Dividends or Return on Equity - Paid | | | |
| Dividends or Return on Equity - Unpaid | | | |
| Interest on Debentures - Accrued | | | |
| Interest on Debentures - Paid | | | |
| Interest on Debentures - Unpaid | | | |
| Total Dividends Return on Equity, and Interest Unpaid | | | |

Schedule 12B

Payments Approved By Division (Current Year)

N/A

| Date of Approval | Div. or Ret. on Equity | Interest | Period Covered | |
|-------------------------|------------------------|----------|----------------|-----|
| | | | From | To |
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| Total Payments Approved | | | | |

Certified Annual Financial and Operating Report

Insurance (including Contributions to Employee Welfare Funds)

Schedule 13

H024

Development Number

| Policy Number | Company | Coverage | | Effective date of Policy | Term | Premium | Premiums written off | | Unexpired premiums at end of Year |
|-----------------------------|----------------------------|------------------|---------------|--------------------------|--------|-----------|----------------------|-----------|-----------------------------------|
| | | Type/Description | Amount/Limits | | | | In Prior Years | This Year | |
| 50A2CP0000384-03 | Housing Insurance Services | Liability | \$1,000,000 | 1/1/08 | 1 year | \$99,332 | \$24,833 | \$74,499 | |
| 271/KTJCMB - 199D308-3-2008 | Housing Insurance Services | Property | \$1,000,000 | 7/1/08 | 1 year | \$34,522 | | \$25,891 | \$8,631 |
| 59A2CP0000384-04 | Housing Insurance Services | Liability | \$1,000,000 | 1/16/09 | 1 year | \$94,871 | | \$23,718 | \$71,153 |
| 0105101919 | Traveler's Casualty | Crime | \$750,000 | 4/3/08 | 1 year | \$3,580 | | \$3,580 | |
| 0105101919 | Traveler's Casualty | Crime | \$750,000 | 4/3/09 | 1 year | \$3,584 | | \$896 | \$2,688 |
| PHPK244693 | Philadelphia Insurance | Liability | \$1,000,000 | 7/1/07 | 1 year | \$13,653 | \$10,240 | \$3,413 | |
| PHPK321855 | Philadelphia Insurance | Liability | \$1,000,000 | 7/1/08 | 1 year | \$13,653 | | \$10,240 | \$3,413 |
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| Totals | | | | | | \$263,426 | \$35,073 | \$142,237 | \$85,885 |

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Schedule 14

Certified Annual Financial and Operating Report

Fees

H024

Development Number

| Name | Basis (Contract, Percentage, Other) | Management | Legal | Accounting | Other |
|-----------------------------------------|----------------------------------------|------------|----------|------------|-------|
| Buffalo Municipal Housing Authority | Contract | \$51,192 | \$8,278 | | |
| Erie Regional Housing Development Corp. | Contract | \$24,000 | | | |
| City of Buffalo Marshals Office | Invoices | | \$1,845 | | |
| Kevin P. Gaughan, Attorney at Law | Invoices | | \$22,485 | | |
| Oksana Khoma, Accountant | Invoices | | | \$10,977 | |
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| Totals | | \$75,192 | \$32,608 | \$10,977 | |

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Certified Annual Financial and Operating Report

Value Of Tax Exemptions

Schedule 15

N/A

H024

Development Number

| Period Covered | Gross Tax Exemption | Real Estate Tax Surcharge | Net Tax Exemption |
|----------------------------------------------------|---------------------|---------------------------|-------------------|
| Total from Inception to _____ 20 | | | |
| Total for Current Year * (copy from "Total" below) | | | |
| Total from Inception to _____ 20 | | | |
| | | | |

Value of Tax Exemption for Current Year

Tax Unit: _____
(City, County, School, etc.)

Tax Year- From _____ to _____

Tax Exemption: \$ _____

Tax Rate \$ _____ per \$ _____

Value of Tax Exemption \$ _____

Tax Unit: _____
(City, County, School, etc.)

Tax Year- From _____ to _____

Tax Exemption: \$ _____

Tax Rate \$ _____ per \$ _____

Value of Tax Exemption \$ _____

Tax Unit: _____
(City, County, School, etc.)

Tax Year- From _____ to _____

Tax Exemption: \$ _____

Tax Rate \$ _____ per \$ _____

Value of Tax Exemption \$ _____

* Total for Year (enter in chart above) \$ _____

Certified Annual Financial and Operating Report

Information Pertaining To Rent And Tenancy Of Apartments

Schedule 16

H024

Development Number

| | | |
|----------------------------------------------------------------------------------------------------|-------------|-------------|
| A. Number of Apartments: | | |
| 1. Residential | 616 | |
| 2. Professional | 3 | |
| 3. Employee and/or Office Space | 2 | |
| Total Number of Apartments | | 621 |
| B. Number of Rental Rooms (including fractional rooms, per schedule approved by the Commissioner): | | |
| 1. Residential | 2,487 | |
| 2. Professional | 3 | |
| 3. Employee and/or Office Space | 2 | |
| Total Number of Rental Rooms | | 2,492 |
| C. Room-Months: | | |
| 1. Room-Months Vacant <u>/a</u> | 3,550 | |
| 2. Room-Months Occupied <u>/a</u> | 2,487 | |
| Total Room-Months (B4 x 12) | | 29,904 |
| D. Per Cent Vacant ($\frac{C1}{C3} \times 100$) | | 11.87 % |
| E. Potential Rent for Year: <u>/b /c</u> | | |
| 1. From Residential Tenants (including employee/office) | \$3,087,972 | |
| 2. Rent Assistance Payments | _____ | |
| 3. Rent Supplement | _____ | |
| 4. Section 8 | _____ | |
| 5. Section 23 Leases | _____ | |
| 6. Other | _____ | |
| 7. Professional Apartments | \$13,200 | |
| Total Potential Rent, excluding Commercial | | \$3,101,172 |
| F. Less Loss of Rent Because of Vacancies | | \$355,481 |
| G. Rent Actually Earned <u>/c</u> | | \$2,732,492 |
| H. Per Cent Vacancy Loss ($\frac{F}{E8} \times 100$) | | 11.46% |
| I. Rent Loss Because Uncollectable | \$ _____ | |
| J. Rent Loss Because of Allowances or Concessions | \$ _____ | |
| K. Rental per Room, Average - Mitchell-Lama Rent <u>/c</u> | \$ _____ | |
| L. Rental per Room, Average - 236 Rent <u>/c</u> | \$ _____ | |
| M. Number of Tenants Beginning of Year | 533 | |
| N. Number Moved in During Year | 83 | |
| O. Number Moved Out During Year | 36 | |
| P. Number at End of Year (M + N - O) | 580 | |
| Q. Average Turnover of Tenants ($\frac{N + O}{M + P}$) | | 10.69 |

Notes:

/a Computed on basis of months or fractions that each rental room was vacant or was occupied during the year. Thus; a 4-room apartment vacant for a period of 1 1/2 months represents 6 room-months vacant.

/b E1 through E6 must equal (B1 + B3) times rent per room in latest rent order implemented.

/c Excluding surcharges, 236 excess income charges and other charges.

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FROM THE CITY CLERK

February 22, 2011

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No.

Liquor License Applications

Attached hereto are communications from persons applying for liquor licenses from the Erie County Alcohol Beverage Control Board.

| Address | Business Name | Owner's Name |
|-----------------|-------------------------------|--------------------------------------|
| 3260 Main | Shango Bistro | Vincent S. Guarin & James D. Guarino |
| 2163 Seneca St | Ireland's Own | RBD's Inc |
| 283 Davey St | Mugsys Hidewout | Robin Jankowiak |
| 898 Clinton | Brandys II | Barbara Rowland |
| 297 Franklin | Bambino Bar & Kitchen | Vacmore Holding, LLC |
| 622 Main | Club Marcella | Joseph Guagliardo |
| 1148 | | |
| 1458 Hetrel Ave | Guttuso's North End Trattoria | Wood Fired Rest. Ltd |

RECEIVED AND FILED

25



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

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| | | | | | | | | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|----|---|-----------------|---|---|---|---|---|
| 1. | Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board: | | 0 | 2 | 1 | 1 | 2 | 0 | 1 | 1 | | | | |
| THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD | | | | | | | | | | | | | | |
| 2. | Name of the Local Municipality or Community Board: | | City of Buffalo Clerk's Office | | | | | | | | | | | |
| 3. | Street Address of Local Municipality or Community Board: | | 1308 City Hall | | | | | | | | | | | |
| 4. | City, Town, or Village: | | Buffalo | | | | NY | | Zip Code: 14202 | | | | | |
| 5. | Telephone Number of Clerk of Local Municipality or Community Board: | | 7 | 1 | 6 | - | 8 | 5 | 1 | - | 4 | 8 | 4 | 5 |
| ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE | | | | | | | | | | | | | | |
| 6. | Attorney's Full Name is: | | Sean J. MacKenzie, Esq., Magavern Magavern Grimm LLP | | | | | | | | | | | |
| 7. | Attorney's Street Address: | | 1100 Rand Building, 14 Lafayette Square | | | | | | | | | | | |
| 8. | City, Town, or Village: | | Buffalo | | | | NY | | Zip Code: 14203 | | | | | |
| 9. | Business Telephone Number of Attorney: | | 7 | 1 | 6 | - | 8 | 5 | 6 | - | 3 | 5 | 0 | 0 |
| THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW | | | | | | | | | | | | | | |
| 10. | Type(s) of Alcohol to be sold under the License ("X" one): | | <input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer | | | | | | | | | | | |
| 11. | Extent of Food Service: ("X" one) | | <input checked="" type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements) | | | | | | | | | | | |
| 12. | Type of Establishment: | | <input type="checkbox"/> Hotel <input type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons | | | | | | | | | | | |
| | ("X" all that apply) | | <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input checked="" type="checkbox"/> Other (Specify): Restaurant | | | | | | | | | | | |
| 13. | Proposed Outdoor Area(s): | | <input type="checkbox"/> None <input type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify): | | | | | | | | | | | |
| 14. | Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? ("X" one): | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | | | | | |
| 15. | Application Serial Number: | | | | | | | | | | | | | |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | | Vincent S. Guarino & James D. Guarino | | | | | | | | | | | |
| 17. | The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | | Shango Bistro | | | | | | | | | | | |
| 18. | The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address: | | 3260 Main Street | | | | | | | | | | | |
| 19. | City, Town, or Village: | | Buffalo | | | | NY | | Zip Code: 14214 | | | | | |
| 20. | The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address: | | Main | | | | | | | | | | | |
| 21. | Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows: | | dining area kitchen | | | | | | | | | | | |
| 22. | Business Telephone Number of the Applicant: | | 7 | 1 | 6 | - | 8 | 3 | 7 | - | 2 | 3 | 2 | 6 |
| 23. | Business Fax Number of the Applicant: | | 7 | 1 | 6 | - | 3 | 3 | 2 | - | 0 | 0 | 6 | 2 |
| 24. | Business E-Mail Address of the Applicant: | | shangojim@yahoo.com | | | | | | | | | | | |
| 25. | IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment? | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/> | | | | | | | | | | | |
| OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED | | | | | | | | | | | | | | |
| 26. | Does the Applicant own the building in which the proposed Licensed Establishment will be located? ("X" one) | | Yes <input type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. No <input checked="" type="checkbox"/> If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form. | | | | | | | | | | | |
| 27. | Building Owner's Full Name is: | | Vincent S. Guarino & Susan Guarino, jointly | | | | | | | | | | | |
| 28. | Building Owner's Street Address: | | 6 Cloister Court | | | | | | | | | | | |
| 29. | City, Town, or Village: | | Egbertsville | | | | NY | | Zip Code: 14226 | | | | | |
| 30. | Business Telephone Number of Building Owner: | | 7 | 1 | 6 | - | 8 | 3 | 1 | - | 7 | 1 | 9 | 6 |



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

| | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| 15. | Application Serial Number: | |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | Vincent S. Guarino & James D. Guarino |
| 17. | The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | Shango Bistro |

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

| | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|---------------------------------------|
| 31. | IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | I Don't Know <input type="checkbox"/> |
| 32. | Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, and 39.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

| | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|---------------------------------------|
| 33. | IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | I Don't Know <input type="checkbox"/> |
| 34. | Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.) | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

| | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------------------------------|
| 35. | IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment: | Vincent S. Guarino & James D. Guarino | I Don't Know <input type="checkbox"/> |
| 36. | IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment: | Shango Bistro | I Don't Know <input type="checkbox"/> |
| 37. | IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment: | 3120571 | I Don't Know <input type="checkbox"/> |
| 38. | IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator: | Wine/Beer | I Don't Know <input type="checkbox"/> |
| 39. | IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator: | 7 1 6 - 8 3 7 - 2 3 2 6 | I Don't Know <input type="checkbox"/> |

| | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------|
| 40. | If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true. | | |
| | Printed Name | Title | Signature |
| | Vincent S. Guarino | Partner | X |



Magavern Magavern Grimm ^{LLP}
ATTORNEYS

212

Sean J. MacKenzie, Associate
smackenzie@magavern.com

Founded 1826

February 11, 2011

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Receipt No: 7010 1670 0000 0908 5745

Gerald Chwalinski
Buffalo City Clerk's Office
1308 City Hall
Buffalo, NY 14202

Re: Vincent Guarino and James Guarino d/b/a Shango Bistro
3260 Main Street, Buffalo, NY 14214
Liquor License Class Change

Dear Mr. Chwalinski:

Please be advised that this office represents Vincent Guarino and James Guarino d/b/a Shango Bistro. This letter is to notify you of its intention to file a class change application with the New York State Liquor Authority for the premises located at 3260 Main Street, Buffalo, New York 14214, as required by the Alcoholic Beverage Control Law, Section 64(2a). The restaurant currently has a beer and wine license, and is applying for permission to sell liquor as well.

Please contact the undersigned with any questions or concerns.

Respectfully,

MAGAVERN MAGAVERN GRIMM LLP

Sean J. MacKenzie

SJM/amt
Enclosure
\\99999.0010\\257086.doc

1100 Rand Building, 14 Lafayette Square
Buffalo, New York 14203
Tel: 716-856-3500 Fax: 716-856-3390



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a **Local Municipality or Community Board**
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

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| | | | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|----|-----------------|---|
| Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board: | | 0 | 2 | 0 | 8 | 2 | 0 | 1 | 1 |
| THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD | | | | | | | | | |
| 2. | Name of the Local Municipality or Community Board: | CITY OF BUFFALO | | | | | | | |
| 3. | Street Address of Local Municipality or Community Board: | 1308 CITY HALL | | | | | | | |
| 4. | City, Town, or Village: | BUFFALO | | | | | NY | Zip Code: 14202 | |
| 5. | Telephone Number of Clerk of Local Municipality or Community Board: | 716-851-5431 | | | | | | | |
| ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE | | | | | | | | | |
| 6. | Attorney's Full Name is: | DAVID A. DIZAK (REPRESENTATIVE) | | | | | | | |
| 7. | Attorney's Street Address: | 100 BARLOW AVE | | | | | | | |
| 8. | City, Town, or Village: | BUFFALO | | | | | NY | Zip Code: 14218 | |
| 9. | Business Telephone Number of Attorney: | 716-270-7118 | | | | | | | |
| THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW | | | | | | | | | |
| 10. | Type(s) of Alcohol to be sold under the License ("X" one): | <input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer | | | | | | | |
| 11. | Extent of Food Service: ("X" one) | <input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input checked="" type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements) | | | | | | | |
| 12. | Type of Establishment: ("X" all that apply) | <input type="checkbox"/> Hotel <input type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input checked="" type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify): | | | | | | | |
| 13. | Proposed Outdoor Area(s): | <input checked="" type="checkbox"/> None <input type="checkbox"/> Rooftop <input type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify): | | | | | | | |
| 14. | Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? ("X" one): | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | |
| 15. | Application Serial Number: | N/A | | | | | | | |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | RBD'S INC | | | | | | | |
| 17. | The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | IRELAND'S OWN | | | | | | | |
| 18. | The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address: | 2143 SENECA STREET | | | | | | | |
| 19. | City, Town, or Village: | BUFFALO | | | | | NY | Zip Code: 14210 | |
| 20. | The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address: | FIRST FLOOR | | | | | | | |
| 21. | Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows: | 16 | | | | | | | |
| 22. | Business Telephone Number of the Applicant: | 716-609-2545 | | | | | | | |
| 23. | Business Fax Number of the Applicant: | | | | | | | | |
| 24. | Business E-Mail Address of the Applicant: | | | | | | | | |
| 25. | IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/> | | | | | | | |
| OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED | | | | | | | | | |
| 26. | Does the Applicant own the building in which the proposed Licensed Establishment will be located? ("X" one) | Yes <input type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. No <input checked="" type="checkbox"/> If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form. | | | | | | | |
| 27. | Building Owner's Full Name is: | GEORGE KELLOGG | | | | | | | |
| | Building Owner's Street Address: | 55 MINERAL SPRINGS RD | | | | | | | |
| 29. | City, Town, or Village: | WEST SENECA | | | | | NY | Zip Code: 14224 | |
| 30. | Business Telephone Number of Building Owner: | 716-983-4529 | | | | | | | |



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
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IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

| | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 15. | Application Serial Number: | N/A |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | RBDS INC |
| 17. | The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | IRLAND'S OWN |

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

| | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------|---------------------------------------|
| 31. | IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | I Don't Know <input type="checkbox"/> |
| 32. | Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.) | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | |

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, and 40.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE
INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

| | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|---------------------------------------|
| 33. | IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | I Don't Know <input type="checkbox"/> |
| | Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.) | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

| | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------|
| 35. | IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment: | BUFFALO'S FINEST INC | I Don't Know <input type="checkbox"/> |
| 36. | IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment: | BUFFALO FINEST | I Don't Know <input type="checkbox"/> |
| 37. | IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment: | 3004937 | I Don't Know <input type="checkbox"/> |
| 38. | IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator: | On Premises Liquor | I Don't Know <input type="checkbox"/> |
| 39. | IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator: | 716-822-4529 | I Don't Know <input type="checkbox"/> |

| | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|
| 40. | If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true. | | |
| | Printed Name | Title | Signature |
| | RONALD C. BARONE JR | PRESIDENT | X [Signature] |



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

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for the Establishment Identified in this Notice (Page 1 of 2)

| | | | | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|----|-----------------|---|
| 1. | Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board: | | 0 | 2 | 0 | 8 | 2 | 0 | 1 | 1 |
| THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD | | | | | | | | | | |
| 2. | Name of the Local Municipality or Community Board: | | CITY OF BUFFALO | | | | | | | |
| 3. | Street Address of Local Municipality or Community Board: | | 1308 CITY HALL | | | | | | | |
| 4. | City, Town, or Village: | | BUFFALO | | | | | NY | Zip Code: 14202 | |
| 5. | Telephone Number of Clerk of Local Municipality or Community Board: | | 716-851-5431 | | | | | | | |
| ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE | | | | | | | | | | |
| 6. | Attorney's Full Name is: | | DAVID A. DIZAK (REPRESENTATIVE) | | | | | | | |
| 7. | Attorney's Street Address: | | 100 BARLOW AVE | | | | | | | |
| 8. | City, Town, or Village: | | BUFFALO | | | | | NY | Zip Code: 14218 | |
| 9. | Business Telephone Number of Attorney: | | 716-270-7118 | | | | | | | |
| THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW | | | | | | | | | | |
| 10. | Type(s) of Alcohol to be sold under the License (*X one): | | <input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer | | | | | | | |
| 11. | Extent of Food Service: (*X one) | | <input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input checked="" type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements) | | | | | | | |
| 12. | Type of Establishment: (*X all that apply) | | <input type="checkbox"/> Hotel <input type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input checked="" type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify): | | | | | | | |
| 13. | Proposed Outdoor Area(s): | | <input checked="" type="checkbox"/> None <input type="checkbox"/> Rooftop <input type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify): | | | | | | | |
| 14. | Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*X one): | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | |
| 15. | Application Serial Number: | | N/A | | | | | | | |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | | ROBIN J. JANKOWIAK | | | | | | | |
| 17. | The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | | MUGSY'S HIDEOUT | | | | | | | |
| 18. | The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address: | | 283 DAVEY STREET | | | | | | | |
| 19. | City, Town, or Village: | | BUFFALO | | | | | NY | Zip Code: 14206 | |
| 20. | The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address. | | 1ST FLOOR & BASEMENT | | | | | | | |
| 21. | Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows: | | 7 | | | | | | | |
| 22. | Business Telephone Number of the Applicant: | | 716-830-3096 | | | | | | | |
| 23. | Business Fax Number of the Applicant: | | | | | | | | | |
| 24. | Business E-Mail Address of the Applicant: | | | | | | | | | |
| 25. | IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment? | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/> | | | | | | | |
| OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED | | | | | | | | | | |
| 26. | Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*X one) | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form. | | | | | | | |
| 27. | Building Owner's Full Name is: | | ANTHONY SYRACUSE | | | | | | | |
| 28. | Building Owner's Street Address: | | 948 TOWNLINE RD. | | | | | | | |
| 29. | City, Town, or Village: | | LANCASTER | | | | | PA | Zip Code: 17606 | |
| 30. | Business Telephone Number of Building Owner: | | 716-553-3443 | | | | | | | |



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

| | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 15. | Application Serial Number: | N/A |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | ROBIN J. JANKOWIAK |
| 17. | The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | MULES HIDEOUT |

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

| | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|---------------------------------------|
| 31. | IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | I Don't Know <input type="checkbox"/> |
| 32. | Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, and 40.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE
INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

| | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|---------------------------------------|
| 33. | IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | I Don't Know <input type="checkbox"/> |
| | Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

| | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------|
| 35. | IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment: | CBIPPY283 LLC | I Don't Know <input type="checkbox"/> |
| 36. | IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment: | SIRACUSAS | I Don't Know <input type="checkbox"/> |
| 37. | IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment: | 3134551 | I Don't Know <input type="checkbox"/> |
| 38. | IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator: | On Premises Liquor | I Don't Know <input type="checkbox"/> |
| 39. | IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator: | 716-553-3443 | I Don't Know <input type="checkbox"/> |

40. If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

Printed Name

ROBIN J. JANKOWIAK

Title

OWNER

Signature

x Robin J. Jankowiak



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
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in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|----|-----------------|---|
| Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board: | | 0 | 2 | 0 | 8 | 2 | 0 | 1 | 1 |
| THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD | | | | | | | | | |
| 2. | Name of the Local Municipality or Community Board: | CITY OF BUFFALO | | | | | | | |
| 3. | Street Address of Local Municipality or Community Board: | 1308 CITY HALL | | | | | | | |
| 4. | City, Town, or Village: | BUFFALO | | | | | NY | Zip Code: 14202 | |
| 5. | Telephone Number of Clerk of Local Municipality or Community Board: | 716-877-XXXX | | | | | | | |
| ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE | | | | | | | | | |
| 6. | Attorney's Full Name is: | DAVID A. DIZAK (REPRESENTATIVE) | | | | | | | |
| 7. | Attorney's Street Address: | 100 BARLOW AVE. | | | | | | | |
| 8. | City, Town, or Village: | BUFFALO | | | | | NY | Zip Code: 14218 | |
| 9. | Business Telephone Number of Attorney: | 716-270-7118 | | | | | | | |
| THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW | | | | | | | | | |
| 10. | Type(s) of Alcohol to be sold under the License (*X one): | <input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer | | | | | | | |
| 11. | Extent of Food Service: (*X one) | <input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input checked="" type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements) | | | | | | | |
| 12. | Type of Establishment: (*X all that apply) | <input type="checkbox"/> Hotel <input type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input checked="" type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify): | | | | | | | |
| 13. | Proposed Outdoor Area(s): | <input checked="" type="checkbox"/> None <input type="checkbox"/> Rooftop <input type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify): | | | | | | | |
| 14. | Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*X one): | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | |
| 15. | Application Serial Number: | N/A | | | | | | | |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | BARBARA HOWARD | | | | | | | |
| 17. | The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | BRADYS II | | | | | | | |
| 18. | The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address: | 99 CLINTON ST | | | | | | | |
| 19. | City, Town, or Village: | BUFFALO | | | | | NY | Zip Code: 14210 | |
| 20. | The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address: | FIRST FLOOR | | | | | | | |
| 21. | Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows: | | | | | | | | |
| 22. | Business Telephone Number of the Applicant: | 716-848-0217 | | | | | | | |
| 23. | Business Fax Number of the Applicant: | | | | | | | | |
| 24. | Business E-Mail Address of the Applicant: | | | | | | | | |
| 25. | IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/> | | | | | | | |
| OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED | | | | | | | | | |
| 26. | Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*X one) | Yes <input type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. No <input checked="" type="checkbox"/> If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form. | | | | | | | |
| 27. | Building Owner's Full Name is: | R & D DEVELOPMENT CORP | | | | | | | |
| | Building Owner's Street Address: | 43 COURT STREET | | | | | | | |
| 29. | City, Town, or Village: | BUFFALO | | | | | NY | Zip Code: 14202 | |
| 30. | Business Telephone Number of Building Owner: | 716-583-5786 | | | | | | | |



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
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Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

| | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 15. | Application Serial Number: | N 10 |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | BARBARA ROWLAND |
| 17. | The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | BRANDYS II |

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

| | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|---------------------------------------|
| 31. | IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | I Don't Know <input type="checkbox"/> |
| 32. | Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, and 39.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

| | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|---------------------------------------|
| 33. | IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | I Don't Know <input type="checkbox"/> |
| | Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

| | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------|
| 35. | IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment: | EDWARD W & JOAN C KACZMAROWSKI | I Don't Know <input type="checkbox"/> |
| 36. | IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment: | EDDIE & CARLIES | I Don't Know <input type="checkbox"/> |
| 37. | IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment: | 3004933 | I Don't Know <input type="checkbox"/> |
| 38. | IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator: | ON PREMISES LIQUOR | I Don't Know <input type="checkbox"/> |
| 39. | IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator: | | I Don't Know <input checked="" type="checkbox"/> |

40. If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

| | | |
|-----------------|-------|-------------------|
| Printed Name | Title | Signature |
| BARBARA Rowland | OWNER | x Barbara Rowland |



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

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for the Establishment Identified in this Notice (Page 1 of 2)

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|----|-----------------|---|
| 1. | Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board: | | 0 | 2 | 0 | 9 | 2 | 0 | 7 | 7 |
| THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD | | | | | | | | | | |
| 2. | Name of the Local Municipality or Community Board: | | CITY OF BUFFALO | | | | | | | |
| 3. | Street Address of Local Municipality or Community Board: | | 1308 CITY HALL | | | | | | | |
| 4. | City, Town, or Village: | | BUFFALO | | | | | NY | Zip Code: 14202 | |
| 5. | Telephone Number of Clerk of Local Municipality or Community Board: | | 716-851-5431 | | | | | | | |
| ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE | | | | | | | | | | |
| 6. | Attorney's Full Name is: | | DAVID A. DIZAK (REPRESENTATIVE) | | | | | | | |
| 7. | Attorney's Street Address: | | 100 BARLOW AVE | | | | | | | |
| 8. | City, Town, or Village: | | BUFFALO | | | | | NY | Zip Code: 14218 | |
| 9. | Business Telephone Number of Attorney: | | 716-276-7118 | | | | | | | |
| THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW | | | | | | | | | | |
| 10. | Type(s) of Alcohol to be sold under the License (*one): | | <input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer | | | | | | | |
| 11. | Extent of Food Service: (*one) | | <input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements) | | | | | | | |
| 12. | Type of Establishment: (*all that apply) | | <input type="checkbox"/> Hotel <input type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify): | | | | | | | |
| 13. | Proposed Outdoor Area(s): | | <input type="checkbox"/> None <input checked="" type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify): | | | | | | | |
| 14. | Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*one): | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | |
| 15. | Application Serial Number: | | N/A | | | | | | | |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | | VACMORE HOLDINGS, LLC | | | | | | | |
| 17. | The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | | BAMBINO BAR AND KITCHEN | | | | | | | |
| 18. | The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address: | | 297 FRANKLIN ST. | | | | | | | |
| 19. | City, Town, or Village: | | BUFFALO | | | | | NY | Zip Code: 14202 | |
| 20. | The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address: | | 1st, 2nd, 3rd / BALCONY | | | | | | | |
| 21. | Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows: | | 18 | | | | | | | |
| 22. | Business Telephone Number of the Applicant: | | 716-834-2662 | | | | | | | |
| 23. | Business Fax Number of the Applicant: | | | | | | | | | |
| 24. | Business E-Mail Address of the Applicant: | | | | | | | | | |
| 25. | IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment? | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/> | | | | | | | |
| OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED | | | | | | | | | | |
| 26. | Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*one) | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30. Go directly to Item No. 31, and complete the form. If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form. | | | | | | | |
| 27. | Building Owner's Full Name is: | | Z HOLDING CORP. | | | | | | | |
| 28. | Building Owner's Street Address: | | 257 FRANKLIN ST. | | | | | | | |
| 29. | City, Town, or Village: | | BUFFALO | | | | | NY | Zip Code: 14202 | |
| 30. | Business Telephone Number of Building Owner: | | 716-842-6800 | | | | | | | |



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

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IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

| | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 15. | Application Serial Number: | N/A |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | VACMORE HOLDINGS, LLC |
| 17. | The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | BAMBINO BAR AND KITCHEN |

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

| | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|---------------------------------------|
| 31. | IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | I Don't Know <input type="checkbox"/> |
| 32. | Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, and 40.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

| | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|---------------------------------------|
| 33. | IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | I Don't Know <input type="checkbox"/> |
| 34. | Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

| | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------------------------------|
| 35. | IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment: | DVO FORNO INC | I Don't Know <input type="checkbox"/> |
| 36. | IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment: | DVO | I Don't Know <input type="checkbox"/> |
| 37. | IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment: | 3135157 | I Don't Know <input type="checkbox"/> |
| 38. | IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator: | ON PREMISES LIQUOR | I Don't Know <input type="checkbox"/> |
| 39. | IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator: | | I Don't Know <input checked="" type="checkbox"/> |

| | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-----------------|
| 40. | If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true. | | |
| | Printed Name | Title | Signature |
| | NOEL C. MORREALE | MEMBER | X Noel Morreale |



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

| | | | | | | | | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|----|-----------------|---|---|-----------------------------------------------------------------------------------------------------------|---|---|---|
| 1. | Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board: | | 0 | 2 | 1 | 4 | 2 | 0 | 1 | 1 | | | | |
| THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD | | | | | | | | | | | | | | |
| 2. | Name of the Local Municipality or Community Board: | | City of Buffalo - City Clerk | | | | | | | | | | | |
| 3. | Street Address of Local Municipality or Community Board: | | 1308 City Hall | | | | | | | | | | | |
| 4. | City, Town, or Village: | | Buffalo | | | | NY | Zip Code: 14202 | | | | | | |
| 5. | Telephone Number of Clerk of Local Municipality or Community Board: | | 7 | 1 | 6 | - | 8 | 5 | 1 | - | 5 | 4 | 3 | 1 |
| ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE | | | | | | | | | | | | | | |
| 6. | Attorney's Full Name is: | | Rachel Jackson, Esq. | | | | | | | | | | | |
| 7. | Attorney's Street Address: | | 542 Parkside Avenue | | | | | | | | | | | |
| 8. | City, Town, or Village: | | Buffalo | | | | NY | Zip Code: 14216 | | | | | | |
| 9. | Business Telephone Number of Attorney: | | 7 | 1 | 6 | - | 3 | 6 | 2 | - | 0 | 2 | 3 | 7 |
| THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW | | | | | | | | | | | | | | |
| 10. | Type(s) of Alcohol to be sold under the License (*X* one): | | <input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer | | | | | | | | | | | |
| 11. | Extent of Food Service: (*X* one) | | <input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input checked="" type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements) | | | | | | | | | | | |
| 12. | Type of Establishment: | | <input type="checkbox"/> Hotel <input type="checkbox"/> Live Music <input checked="" type="checkbox"/> Disk Jockey <input type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input checked="" type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons | | | | | | | | | | | |
| (*X* all that apply) | | <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input checked="" type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify): | | | | | | | | | | | | |
| 13. | Proposed Outdoor Area(s): | | <input type="checkbox"/> None <input type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input checked="" type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify): | | | | | | | | | | | |
| 14. | Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*X* one): | | | | | | | | | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | | |
| 15. | Application Serial Number: | | 30046949 | | | | | | | | | | | |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | | Joseph P. Guagliardo | | | | | | | | | | | |
| 17. | The Full Name of the Applicant's proposed Licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | | Club Marcella of Buffalo Ltd. D/B/A Marcella Showclub & Lounge | | | | | | | | | | | |
| 18. | The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address: | | 622 Main Street | | | | | | | | | | | |
| 19. | City, Town, or Village: | | Buffalo | | | | NY | Zip Code: 14202 | | | | | | |
| 20. | The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address: | | 1st floor | | | | | | | | | | | |
| 21. | Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows: | | Suite 150 | | | | | | | | | | | |
| 22. | Business Telephone Number of the Applicant: | | 7 | 1 | 6 | - | 8 | 4 | 7 | - | 6 | 8 | 5 | 0 |
| 23. | Business Fax Number of the Applicant: | | 7 | 1 | 6 | - | 8 | 4 | 7 | - | 6 | 8 | 5 | 0 |
| 24. | Business E-Mail Address of the Applicant: | | clubmarcella@gmail.com | | | | | | | | | | | |
| 25. | IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment? | | | | | | | | | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/> | | | |
| OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED | | | | | | | | | | | | | | |
| 26. | Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*X* one) | | Yes <input type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. No <input checked="" type="checkbox"/> If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form. | | | | | | | | | | | |
| 27. | Building Owner's Full Name is: | | Acquest Theater Place, LLC. | | | | | | | | | | | |
| 28. | Building Owner's Street Address: | | 80 Curtwright Drive, Suite 5 | | | | | | | | | | | |
| 29. | City, Town, or Village: | | Williamsville | | | | NY | Zip Code: 14221 | | | | | | |
| 30. | Business Telephone Number of Building Owner: | | 7 | 1 | 6 | - | 2 | 0 | 4 | - | 3 | 5 | 7 | 0 |



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized ORIGINAL APPLICATION NOTICE FORM for Providing a
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in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

Delaware

222

| | | | | | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----------------|----------------------------------------------------------------------------------------------|---|-----------|----------------------------------------|--------------------------------------------------------------------------------------------------|--|--|
| Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board: | | 0 | 2 | 1 | 4 | 2 | 0 | 1 | | | |
| THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD | | | | | | | | | | | |
| 2. | Name of the Local Municipality or Community Board: | Buffalo City Clerk | | | | | | | | | |
| 3. | Street Address of Local Municipality or Community Board: | City Hall - 1308 | | | | | | | | | |
| 4. | City, Town, or Village: | Buffalo | NY | Zip Code: 14202 | | | | | | | |
| 5. | Telephone Number of Clerk of Local Municipality or Community Board: | | | | | | | | | | |
| ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE | | | | | | | | | | | |
| 6. | Attorney's Full Name is: | None | | | | | | | | | |
| 7. | Attorney's Street Address: | | | | | | | | | | |
| 8. | City, Town, or Village: | | | | | | Zip Code: | | | | |
| 9. | Business Telephone Number of Attorney: | | | | | | | | | | |
| THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW | | | | | | | | | | | |
| 10. | Type(s) of Alcohol to be sold under the License ("X" one): | <input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer | | | | | | | | | |
| 11. | Extent of Food Service: ("X" one) | <input checked="" type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements) | | | | | | | | | |
| 12. | Type of Establishment: | <input type="checkbox"/> Hotel <input type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons | | | | | | | | | |
| | ("X" all that apply) | <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify): | | | | | | | | | |
| 13. | Proposed Outdoor Area(s): | <input type="checkbox"/> None <input type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify): | | | | | | | | | |
| 14. | Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? ("X" one): | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | | | |
| 15. | Application Serial Number: | | | | | | | | | | |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | Wood Fired Restaurant Ltd. | | | | | | | | | |
| 17. | The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | Guttuso's North End Trattoria | | | | | | | | | |
| 18. | The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address: | 1458 Hertel Avenue | | | | | | | | | |
| 19. | City, Town, or Village: | Buffalo | NY | Zip Code: 14216 | | | | | | | |
| 20. | The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address: | First | | | | | | | | | |
| 21. | Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows: | | | | | | | | | | |
| 22. | Business Telephone Number of the Applicant: | 2 0 3 - 7 2 2 - 7 7 7 3 | | | | | | | | | |
| 23. | Business Fax Number of the Applicant: | | | | | | | | | | |
| 24. | Business E-Mail Address of the Applicant: | james.guttuso@gmail.com | | | | | | | | | |
| 25. | IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/> | | | | | | | | | |
| OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED | | | | | | | | | | | |
| 26. | Does the Applicant own the building in which the proposed Licensed Establishment will be located? ("X" one) | Yes <input type="checkbox"/> | | | If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. | | | No <input checked="" type="checkbox"/> | If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form. | | |
| 27. | Building Owner's Full Name is: | Buffalo Niagara Properties Inc. | | | | | | | | | |
| 28. | Building Owner's Street Address: | 2846 William St | | | | | | | | | |
| 29. | City, Town, or Village: | Cheektowaga | NY | Zip Code: 14227 | | | | | | | |
| 30. | Business Telephone Number of Building Owner: | 7 1 6 - 6 6 8 - 7 7 8 8 | | | | | | | | | |



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
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In connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

| | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 15. | Application Serial Number: | |
| 16. | The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is: | Wood Fired Restaurant Ltd. |
| 17. | The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is: | Guttuso's North End Trattoria |

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

| | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|---------------------------------------|
| 31. | IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | I Don't Know <input type="checkbox"/> |
| 32. | Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, and 40.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

| | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|---------------------------------------|
| 33. | IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | I Don't Know <input type="checkbox"/> |
| 34. | Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

| | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------|
| 35. | IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment: | | I Don't Know <input checked="" type="checkbox"/> |
| 36. | IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment: | North End Trattoria | I Don't Know <input type="checkbox"/> |
| 37. | IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment: | | I Don't Know <input checked="" type="checkbox"/> |
| 38. | IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator: | | I Don't Know <input checked="" type="checkbox"/> |
| 39. | IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator: | | I Don't Know <input checked="" type="checkbox"/> |

40. If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

Printed Name

James Guttuso

Title

General Partner

Signature

x [Signature]

No.

Leaves of Absence Without Pay

I transmit herewith notifications received by me, reporting the granting of the leaves of absence without pay, in the various departments as listed:

Mayor/Mayor Executive-

Comptroller-

Common Council-

Assessment and Taxation-

Public Works, Streets & Parks-

XX Police- Kevin Cannon

Fire-

Corporation Counsel-

Community Services-

Economic Development & Permit and Inspection Services-

Management Information Systems

Administration, Finance & Urban Affairs-

Human Resources-

Civil Service Commission-

RECEIVED AND FILED.

February 22, 2011

26

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: February 9, 2011

FROM:

DEPARTMENT:

POLICE

DIVISION: _____

SUBJECT: | : Unpaid Leave of Absence

| :
| :
| :

PRIOR COUNCIL REFERENCE: (IF ANY) | : Item No.

Ex. (Item No. xxx, C.C.P. xx/xx/xx)

TEXT: (TYPE SINGLE SPACE BELOW)

Laborer I Kevin Cannon, has been granted an extension to his medical leave of absence without pay for the period of three days commencing February 8, 2011 through February 10, 2011.

DD/tlo

TYPE DEPARTMENT HEAD NAME: Daniel Derenda

TYPE TITLE: Commissioner of Police

SIGNATURE OF DEPARTMENT HEAD:



LEAVE OF ABSENCE REQUEST FORM

DATE: 2/8/11NAME: KEVIN CANNONRANK: LABORER I*SSN: XXX - XX - 2231UNIT: HEADQUARTERS

LAST FOUR (4) DIGITS ONLY

TYPE OF LEAVE

EDUCATIONAL ☐
EMPLOYMENT ☐
FAMILY MEDICAL ☐MATERNITY ☐
MEDICAL ☒
MILITARY ☐
PERSONAL ☐

- THE FAMILY MEDICAL LEAVE IS A 12 WEEK LEAVE FOR: CARE OF CHILD, SPOUSE, PARENT OR OWN MEDICAL HEALTH CONDITION (ADDITIONAL FORM REQUIRED)
- THE TAKING OF ANY LEAVE OF ABSENCE WILL RESULT IN THE LOSS OF THE PERFECT ATTENDANCE BENEFIT (PBA MEMBERS ONLY)
- SWORN MEMBERS REQUESTING A LEAVE OF ABSENCE IN EXCESS OF THIRTY (30) DAYS OR A CONSECUTIVE ACCUMULATION OF EXTENSIONS IN EXCESS OF THIRTY (30) DAYS; MUST SURRENDER THEIR DEPARTMENTAL WEAPON, RADIO, CAP SPRAY, BADGE, WREATH, & ID CARD PRIOR TO THE START OF THEIR LEAVE.

**FAILURE TO DO SO WILL RESULT IN THE REVOCATION OF THE LEAVE OF
ABSENCE AND THE CARRYING OF THE MEMBER AS BEING AWOL**

EXPLANATION OF LEAVE:

EXTENSION OF MEDICAL LEAVE, DUE TO SURGERY
FOR PACE MAKER. (SEE DR.'S NOTE)

DATES OF LEAVE

BEGINNING DATE: 2/8/11END DATE: 2/10/11RETURN DATE: 2/11/11LENGTH OF LEAVE: 3 DAYS

Theresa O'Keefe for
Kevin Cannon
EMPLOYEE SIGNATURE

APPROVED / DENIED / APPROVAL CONDITIONED UPON SURRENDER OF DEPARTMENTAL EQUIPMENT

[Signature]
POLICE INSPECTOR

2/8/11
DATE

APPROVED / DENIED / APPROVAL CONDITIONED UPON SURRENDER OF DEPARTMENTAL EQUIPMENT

[Signature]
POLICE COMMISSIONER

2/8/11
DATE

CC: ORIGINAL - ADMINISTRATION AND FINANCE (FILE)
LABOR RELATIONS
COMMANDING OFFICER

REQUESTING EMPLOYEE
CIVIL SERVICE COMMISSION
PAYROLL

221

NON-OFFICIAL COMMUNICATIONS, PETITIONS AND REMONSTRANCES

NON-OFFICIAL COMMUNICATIONS



00027
CITY OF BUFFALO
DEPARTMENT OF
PERMIT & INSPECTION SERVICES
OFFICE OF THE COMMISSIONER



BYRON W. BROWN
Mayor

JAMES COMERFORD, Jr.
Commissioner

February 15, 2011

Common Council
Brian Bray, Sr. Legislative Assistant
City Hall - Room 1308
Buffalo, NY 14202

RE: In Rem Auction Strawman Bidder Policy

Dear Brian:

In response to Item No. 84, Tuesday, February 8, 2011:

The second paragraph of the resolution refers to section 27-6 of the City Charter - directing that abandoned real property can be offered for sale by the Commissioner of Permits and Inspections. This is not related to the In Rem tax foreclosure auction.

Section 28-76 of the Charter states that the Department of Taxation, with the assistance of the Department of Law, shall be responsible for tax foreclosure pursuant to the real property tax law of the State of New York.

The last paragraph of the resolution determines that the Common Council and the Commissioner of Permits and Inspections will formally provide strategies...etc; this should be changed to the Common Council and the Commissioner of Assessment and Taxation.

Sincerely,

James Comerford, Jr.
Commissioner

JC/sr

REFERRED TO THE COMMITTEE
ON LEGISLATION.

LBG

26A
RJ

Memorandum

To: Deputy City Clerk Gerald Chwalinski
From: Program Packaging and Development Services (PPDS) Provider
Date: February 8, 2011
Regarding: Board Packet Documents

Attached are the following documents from the Joint Schools Construction Board meeting scheduled on February 7, 2011:

1. Draft Agenda
2. Meeting Minutes from JSCB Meeting dated January 10, 2011
3. Fully Executed Phase III Application and Certificate for Payment No. 45 – December 2010
4. Fully Executed Phase IV Application and Certificate for Payment No. 30 – December 2010
5. Phase IV Application and Certificate for Payment No. 31 – January 2011
6. Phase V Application and Certificate for Payment No. 14 – January 2011
7. Program Packaging and Development Services (PPDS) Provider Update
8. Bevlar & Associates Inc. Construction Contract Monitoring and Compliance Services Monthly Report for Addendum 1 Phase IV Project – December 2010
9. Inclusion Development Associates, Inc. Construction Contract Compliance Monitoring Monthly Report for Phase IV – December 2010

**REFERRED TO THE SPECIAL
COMMITTEE ON EDUCATION**

Available for review in the City Clerk's
Office



COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

February 11, 2011

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GOVERNMENT FOR THE
PEOPLE
UB SUMMIT

Mr. Brian Bray
Senior Legislative Assistant
City of Buffalo Common Council
1308 City Hall
Buffalo, NY 14202

Dear Mr. Bray:

I am pleased to notify you of my plan to participate at the Government for the People UB Summit in hopes of advancing UB's 20/20 Legislation. As noted in the Council's resolution, UB 20/20 not only holds great promise for the University, but for the entire Buffalo-Niagara Region.

Please contact me when a time and place have been decided. I look forward to developing a coordinated strategy amongst our elected officials for advancing this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Chris Collins".

CHRIS COLLINS
Erie County Executive

CC: jrs

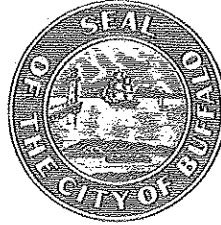
REFERRED TO THE COMMITTEE
ON LEGISLATION.

00030

The Buffalo Common Council

231

MICHAEL P. KEARNS
SOUTH DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, 1401 CITY HALL
BUFFALO, NY 14202-3318
PHONE: (716) 851-5169 ♦ FAX: (716) 851-4294
E-mail: mkearns@city-buffalo.com



CHAIRMAN
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WATERFRONT DEVELOPMENT

COMMITTEES
BUDGET
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CLAIMS

LEGISLATIVE ASSISTANTS
MARTHA-ANN MURPHY
KELLY M. KRUG
RUSSELL C. WEAVER

MEMORANDUM

TO: Gerald Chwalinski

FROM: Councilmember Kearns

DATE: February 15, 2011

RE: Letter from M. Basinait re: ~~Western~~ Western Regional Off-Track Betting Corporation

I would like to file the attached information for the next Common Council meeting to be held on February 22, 2011.

Thank you

"For the People"

29



tel. 585-343-1423
fax. 585-343-6873
www.westernotb.com



tel. 585-343-3750
fax. 585-343-7773
www.bataviadownsgaming.com

8315 Park Road
Batavia, NY 14020

*Creating Revenues
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*American
Horse Council*

*New York Thoroughbred
Breeders' Inc.*

*Local Chambers
of Commerce*

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WESTERN REGIONAL OFF-TRACK
BETTING CORPORATION

February 9, 2011

Honorable Michael P. Kearns
City of Buffalo
1401 City Hall
Buffalo, NY 14202

Dear Honorable Michael P. Kearns:

You may well have read that there are discussions in Albany regarding the "consolidation" of the remaining five Regional OTB Corporations into one entity, be that private or government.

Western OTB for and on your county's behalf is vehemently opposed to such a plan. The OTB's in this state were formed in their present fashion back in the early 1970's for certain specific reasons.

- To provide revenue for state and local government
- To provide revenue to the horseracing industry
- To curb illegal gambling on horseracing

This formation was done through public referendum by each participating county; the reason for that was so each county could decide if it wanted OTB within its boundaries and also to give local governments control over its operations.

If the State is successful in its efforts to consolidate the OTBs, your counties (cities) will not only lose the revenue they currently enjoy but also lose their control over how and where it is operated.

WROTBC's Board of Directors (BOD) at their January meeting approved unanimously the attached resolution in objection to the State's stated efforts to consolidate. It is imperative that your county or city seriously consider passing a similar resolution in opposition.

This is your money and your local control; if we do not all act expeditiously in like fashion, you stand a real chance of losing both.

If you have any questions, please contact me at 1-800-724-2000.

**REFERRED TO THE COMMITTEE
ON FINANCE.**

Very truly yours,

**WESTERN REGIONAL OFF-TRACK
BETTING CORPORATION**

Martin C. Basinait
Martin C. Basinait
President & Chief Executive Officer

MCB/dmf
Enc.

233

RESOLUTION # 4-2011

BOARD OF DIRECTORS' RESOLUTION TO OPPOSE STATE
TAKING OF WESTERN'S PARTICIPATING MUNICIPALITY'S ASSETS

WHEREAS, in September 1973, eleven western New York counties established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state confiscation of this purely local venture; and

WHEREAS, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over \$200 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, now, the incoming governor and both houses of the state legislature are publically proposing a taking of Western OTB's business and its assets by a consolidation of all the regional off-track betting corporations in this state by some state-sponsored private or quasi-governmental interloper that threatens a loss of local revenue, independence and local oversight of gaming in our communities; and

WHEREAS, the participating municipalities of Western as its shareholders have a *pro-rata* financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, the reality of such state-sponsored consolidation and takeover the OTB's would rob Western's communities of not only local control but their substantial re-investment of profits to acquire and maintain such money-making assets; now, therefore, be it

RESOLVED, that the Board of Directors of the Western Regional Off-Track Betting Corporation, and its individual members representing their respective participating municipality, unalterably oppose such threatened "nationalizing" of Western's business by New York State; and, it is further

RESOLVED, that each governing body of Western's participating municipalities be solicited to join this Board in the opposition to this ill-timed and poorly-conceived proposed take-over by the state.

Dated: Batavia, New York
January 27, 2011

Respectfully submitted,



Richard E. Siebert
Chairman



00031
The Buffalo Common Council

MICHAEL P. KEARNS
SOUTH DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, 1401 CITY HALL
BUFFALO, NY 14202-3318
PHONE: (716) 851-5169 ♦ FAX: (716) 851-4294
E-mail: mkearns@city-buffalo.com



234
CHAIRMAN
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TRANSPORTATION
WATERFRONT DEVELOPMENT

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LEGISLATIVE ASSISTANTS
MARTHA-ANN MURPHY
KELLY M. KRUG
RUSSELL C. WEAVER

MEMORANDUM

TO: Gerald Chwalinski
FROM: Councilmember Kearns
DATE: February 15, 2011
RE: Letter from D. Cunningham ~~to~~: Buffalo Fire Department

I would like to file the attached information for the next Common Council meeting to be held on February 22, 2011.

Thank you

"For the People"

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BUFFALO PROFESSIONAL FIREFIGHTERS ASSOC., INC.

LOCAL 282 I.A.F.F., AFL-CIO-CLC

February 7, 2011

The Honorable Michael P. Kearns
City of Buffalo Common Council
South District Common Council Member
1401 City Hall
Buffalo, NY 14202

Dear Common Council Member Kearns:

The New Year brings new hope for the continuing re-birth of your districts and our City. The members of Buffalo Professional Firefighters Local 282 of International Association of Fire Fighters AFL-CIO want to add to this momentum by having all of our future members/employees of the Buffalo Fire Department live in the City for their entire career.

I want to make you aware that Local 282's last contract expired June 29, 2002, and we haven't had a legal pay raise since July 1, 2001. Over the past 8 years two Contract offers by the Brown Administration were rejected overwhelming by the membership when total votes of both offers were counted.

Since I took office January 1, 2009 Local 282's leadership has unsuccessfully tried to negotiate a new long term Labor Agreement. At our last negotiation meeting on June 23, 2010 Local 282's Negotiating Committee presented the enclosed proposal to City Representatives consisting of: Sean Beiter, Lead Negotiator of Goldberg Segalla; Karla Thomas, Commissioner of Human Resources; Garnell Whitfield, Commissioner of Fire; Vincent Gugliuzza, Deputy Commissioner of Fire; Donna Estrich, Budget Director from Department of Finance and other staff personnel. This was the 1st page of a comprehensive contract offer that would have altered the labor contract in a way that the City would realize cost savings in the future without diminishing the vital services that the Fire Department provides to the Citizens of Buffalo and when asked to neighboring communities. (Example: Crash of Flight 3407)

The negotiations ended with their lead negotiator Sean Beiter slandering me and then storming out dragging out the rest of the City committee with him. If that wasn't bad enough, Janet Penksa, Commissioner of Administration, Finance, Policy and Urban Affairs reported to the Buffalo News our offer would bankrupt the City, despite the City Comptroller reporting on January 12, 2011 a record breaking Fund Balance in year-end financials. (Press Release enclosed)



BUFFALO PROFESSIONAL FIREFIGHTERS ASSOC., INC.

LOCAL 282 I.A.F.F., AFL-CIO-CLC

This short slightness by the Brown Administration shows they are not at all interested in building a better Buffalo with firefighters and their families living in your districts, paying taxes, going to city schools that would help the quality of life in the City.

One unfortunate result of the Brown Administration's strategy to build record surpluses on the backs of those whom provide essential services and litigate every dispute is that nothing gets better for the City of Buffalo and its residents.

One recent arbitration decision provides for free health insurance (most expensive plan BC/BS 901 plan) for all members of the Buffalo Professional Firefighters Union Local 282. Our union expects a Compulsorily Interest Arbitration Award for years July 1, 2002 thru June 30, 2004 with back pay totaling approximately ten million dollars. In addition, the Court of Appeals will hear a case involving the Teachers, Police and Fire that could result in many more millions of dollars in back pay.

I realize each and every one of you is working to improve our City neighborhood by neighborhood but if the person at the top makes decisions that are counter productive to your goal then nothing positive gets accomplished. During the weeks and months ahead I plan on scheduling meetings with you, along with members of Local 282's Executive Board to review these issues and any other topics that pertain to our Fire Department.

Respectfully,

Daniel Cunningham
President
Buffalo Professional Firefighters Association
IAFF Local 282 AFL-CIO

Enclosures

**REFERRED TO THE COMMITTEE
ON FINANCE.**

June 23, 2010

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Buffalo Professional Firefighters Response to

City of Buffalo's Memorandum of Agreement from June 17, 2010

Wages

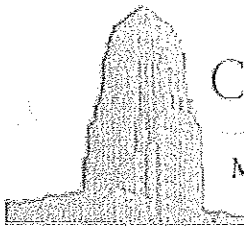
| **WAGES | | Starting | Salary | | | Final |
|---------|-----------------|---------------|-----------------|-----------------|--------------------|--------------------|
| | <u>Contract</u> | <u>Yearly</u> | | <u>%</u> | <u>\$ Increase</u> | <u>Year Salary</u> |
| | <u>Year</u> | <u>Salary</u> | <u>Upgrades</u> | <u>Increase</u> | | |
| START | 6/30/2002 | 51,072 | | | | 51,072 |
| | 7/1/2002 | 51,072 | 5,000.00 | | 0 | 56,072 |
| | 7/1/2003 | 56,072 | | 3.4% | 1,906 | 57,978 |
| | 1/1/2004 | 57,978 | | 3.4% | 1,971 | 59,950 |
| 11 yrs | 7/1/2005 | 59,950 | | 3.4% | 2,038 | 61,988 |
| | 7/1/2006 | 61,988 | | 3.4% | 2,108 | 64,096 |
| | 7/1/2007 | 64,096 | | 3.4% | 2,179 | 66,275 |
| | 7/1/2008 | 66,275 | | 3.0% | 1,988 | 68,263 |
| | 7/1/2009 | 68,263 | | 3.0% | 2,048 | 70,311 |
| | 7/1/2010 | 70,311 | | 3.0% | 2,109 | 72,420 |
| | 7/1/2011 | 72,420 | | 3.0% | 2,173 | 74,593 |
| | 7/1/2012 | 74,593 | | 3.0% | 2,238 | 76,831 |
| | | | | | | |

City # 17 Residency and Domicile: Add new section 24.3 to Article XXIV of the contract to read as follows:

24.3 Residency and Domicile – All individuals hired on after ratification and legislative approval shall establish their residence and domicile within the City of Buffalo and retain their residency and domicile in the City for the duration of their employment. Members hereby waive the applicability of any provision of State Law that may prohibit a residency and/or domicile requirement.

** Agreed to by Buffalo Professional Firefighters Association, Inc.

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City of Buffalo

Mayor Byron W. Brown

[Home](#) > [Leadership](#) > [City Comptroller](#) > [Press Releases](#) > Record Breaking Fund Balance

Record Breaking Fund Balance

CONTACT: ROBBIE ANN McPHERSON
(716) 851-4987 office (310) 433-7443 cell

CITY COMPTROLLER ANNOUNCES RECORD-BREAKING FUND BALANCE IN YEAR-END FINANCIALS

City has now met all criteria for Control Board to revert to advisory status

Comptroller Andrew A. SanFilippo announced the City's year-end financial results Wednesday for the fiscal year ended June 30, 2010, reporting a record \$142.7 million dollar fund balance. SanFilippo also announced that the City has met all the legislative requirements to allow the Buffalo Fiscal Stability Authority to revert to advisory status.

"This is a proud day for the City of Buffalo," said SanFilippo. "Through prudent budget practices, painful layoffs and cuts, a debt diet, and fiscal restraint, the City is in good shape to face what we all know will be a fiscal crisis in Albany next year," he said, adding, "And we have done this while lowering property taxes."

The City's commercial property tax rate has decreased from a ten-year high of \$39.69 in the 1999-2000 fiscal year to \$32.06. The residential tax rate decreased from a high of \$21.69 in the 2004-2005 fiscal year to \$18.45 per \$1,000 in assessed value.

The City's final accounting for the fiscal year 2009-2010 shows that in spite of a \$1.7 million cut in state aid, last year's record fund balance still increased by \$4.1 million to \$142.7 million.

Buffalo's undesignated, unreserved fund balance—monies that are free and clear for general purpose use—is now \$49.9 million, which grew \$1.75 million from last year.

The City's rainy day fund also increased from \$33.6 million in fiscal year 2008-2009 to \$34.3 million, adding up to a cushion of \$84.2 million dollars.

More importantly, the City also reached a fiscal milestone by meeting all the legislative demands required for the Buffalo Fiscal Stability Authority Control Board to revert to advisory status.

"We have earned the right to make our own fiscal decisions," said SanFilippo. "Mayor Brown, the Common Council and my office have worked together to implement budgetary restraint and smart fiscal management policies. And these unprecedented numbers are the results," he added.

"I believe many localities in this nation would be hard-pressed to match the success that the City of Buffalo has achieved in this very fiscally stressed government climate," SanFilippo said.

"We certainly appreciate the guidance offered by the Buffalo Fiscal Stability Authority over the years, and mutually, we recognize that the time for them to go dormant is now," SanFilippo said.

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Common Council President Dave Franczyk added, "We have all focused on improving the City's finances resulting in these outstanding numbers, and now that we have met the criteria for a soft control board, the Common Council will continue to work with the Mayor and the Comptroller's office to ensure that Buffalo stays on this path."

SanFilippo said he plans to hold a special event presenting the City's solid financial standing to the local business community in early 2011.

"We want to get the message out that Buffalo has demonstrated its ability to provide essential services while keeping the costs of government down, in spite of the challenging economic times. We have the resources to pay the bills, we have reserves for unexpected large expenses like a weather emergency, and we'll continue moving the City in a positive fiscal direction for the future," SanFilippo said.

But in spite of the good news, SanFilippo strongly warned that Albany's impending fiscal crisis and the current economic conditions require a very cautious approach to the City's finances.

"More cuts in state aid, higher pension contributions, and the always unpredictable, escalating cost of healthcare are very dark storm clouds on the horizon," SanFilippo said. "We must continue to implement conservative budgeting, maintain our debt cap, and proceed with caution. It is not time to put away the umbrella just yet," he added.

00032

The Buffalo Common Council

240

MICHAEL P. KEARNS
SOUTH DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, 1401 CITY HALL
BUFFALO, NY 14202-3318
PHONE: (716) 851-5169 ♦ FAX: (716) 851-4294
E-mail: mkearns@city-buffalo.com



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KELLY M. KRUG
RUSSELL C. WEAVER

MEMORANDUM

TO: Gerald Chwalinski

FROM: Councilmember Kearns

DATE: February 10.2011

~~RE:~~ Dominion Resources Water Service Line Repair.

I would like to file the attached information for the next Common Council meeting to be held on February 22, 2011.

Thank you.

"For the People"

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Operated by  **VEOLIA**
WATER

Date: January 2011

To: All Buffalo Water Board Customers

The Buffalo Water Board, together with Veolia Water North America, the professional manager of the Buffalo water system, is pleased to announce that Dominion Products and Services, Inc. (Dominion) will make available a water service line repair and replacement program for residents of the City of Buffalo. Enclosed is information provided by Dominion that explains the program coverage and cost.

You are under no obligation to participate in this program. However, in order to help our water customers understand their responsibility for the repair and maintenance of their service line, and to help them make an informed decision, we have prepared a table of questions and answers on the reverse side of this letter that may be helpful to you.

If you decide to participate in this or any program, you should read and understand the terms and conditions of any policy. Dominion has representatives available to answer your questions and can provide you with additional information. Please be aware that your water service line is your responsibility, and the cost to repair or replace your service line can be very expensive. Please consider this program for the protection of your property. If you choose to participate you must make direct arrangements with the service provider, not the Buffalo Water Board or Veolia, in accordance with the enclosed. For further information please contact the Mayor's 3-1-1 Call & Resolution Center.

**REFERRED TO THE COMMITTEE
ON FINANCE.**



Oluwole A. McFoy
Chairman of the Buffalo Water Board



Timothy Cupo
Project Manager, Buffalo
Veolia Water North America

WATER CUSTOMER ADVISORY

WATER SERVICE LINE SERVICE CONTRACTS

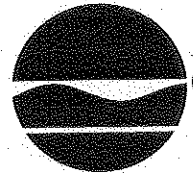
| | |
|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>What is a water service line, and what is my responsibility?</i></p> | <p>The water service line is the underground pipe that delivers water to your house, and runs from the water main on your street to the basement or crawl space under your house. You as the property owner are responsible for repair or replacement of your service line if it develops a leak. The City is only responsible for the water main, and not for individual service line repair or replacement.</p> |
| <p><i>Do I need a water service line service contract?</i></p> | <p>There is no requirement for anyone to purchase a water service line service contract. It is a product offered by some independent companies to protect homeowners against the potential of incurring the high cost of repairing or replacing a water service line should a leak develop. The cost to repair or replace a residential service line can range from several hundred dollars for a simple repair, to several thousand dollars for a complete replacement of the service line and restoration of the roadway, sidewalk and landscaping. Some homeowners may find a water service line service contract useful protection to shield them from a sudden large expenditure, while others may determine that such protection is unnecessary when considering the age and perceived condition of their service line.</p> |
| <p><i>What is the cost of a service line service contract?</i></p> | <p>Rates are set by each individual company/provider. Be sure to understand your monthly and annual costs, and how you will be billed.</p> |
| <p><i>What does a water service line service contract cover?</i></p> | <p>Be sure you understand the coverage being provided. In the City of Buffalo, residents are responsible for the entire service line – from inside your crawl space or basement all the way to the water main – including service line replacement under the street, and the cost of repairing the street if required.</p> |
| <p><i>Are there limitations on what is covered, and when a claim may be filed?</i></p> | <p>Most service contracts have limitations on coverage. Some may have deductibles, and/or overall limits on coverage and the cost of repair. Some service contracts also may have an “exclusion period” – a waiting period at the start of coverage during which a claim will not be covered. Policies may or may not also include restoration of your lawn, or the roadway and sidewalk. Make sure you understand the limitations of coverage on any contract you may be considering.</p> |
| <p><i>If I purchase a water service line service contract, how do I file a claim, and with whom?</i></p> | <p>If you purchase a service contract, you will need to file any claim with the individual provider in accordance with their instructions. The Buffalo Water Board and Veolia Water do not handle service line claims.</p> |

**New York State Department of Environmental Conservation
Division of Environmental Permits, Region 9**

270 Michigan Avenue, Buffalo, New York, 14203-2915

Phone: (716) 851-7165 • Fax: (716) 851-7168

Website: www.dec.ny.gov



Joe Martens
Acting Commissioner

February 11, 2011

William P. Grillo, Principal Planner
Mayor's Office Strategic Planning
City of Buffalo
90 City Hall
Buffalo, New York 14202

Dear Mr. Grillo:

**SEQR LEAD AGENCY DESIGNATION
BUFFALO GREEN CODE
DEVELOPMENT OF LAND USE PLAN AND
NEW ZONING ORDINANCE
CITY OF BUFFALO, ERIE COUNTY**

This Department has reviewed your request for State Environmental Quality Review Act Lead Agency Status for the City of Buffalo in regards to the Buffalo Green Code. The Department agrees that the City of Buffalo Common Council should act as the SEQR Lead Agency. This Department is not an involved agency and does not have any specific comments regarding the development of land use plan and new zoning ordinance.

The Department may, however, be an involved agency in future projects. We recommend that proposals be reviewed to avoid impacts to natural resources, such as: regulated freshwater wetlands, floodways and floodplains, protected streams and water bodies, agricultural land, etc. Please refer project sponsors to this Department when appropriate.

Thank you for your continued cooperation.

Respectfully,

David S. Denk
Regional Permit Administrator

BAD:jrf

RECEIVED AND FILED

cc: Mr. Gerald Chwalinski, City Clerk, City of Buffalo

32

00034



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION FIVE
100 SENECA STREET
BUFFALO, NY 14203
www.nysdot.gov

DARRELL F. KAMINSKI, P.E.
ACTING REGIONAL DIRECTOR

JOAN McDONALD
ACTING COMMISSIONER

D260983 CPIN 5470.24.321

**Rehabilitation of Route 198 Bridge over Route 384 (Delaware Ave.)
City of Buffalo
Erie County**

February 11, 2011

Mr. Gerald Chwalinski, City Clerk
Buffalo City Hall
65 Niagara Square, Room 103
Buffalo, NY 14202

Dear Mr. Chwalinski:

This is to advise you that the completed work on the above-noted contract was officially accepted by the New York State Department of Transportation on February 2, 2011.

The maintenance responsibilities for those features indicated on the attached contract plan sheet are hereby turned over to the respective agency. Please note if your agency is directly involved. If not, this letter serves as a courtesy to notify you that the contractor for this project, Hohl Industrial Services, Inc., is no longer directly involved in roadway maintenance.

Very truly yours,

DARRELL F. KAMINSKI, P.E.
ACTING REGIONAL DIRECTOR

BY: John R. Kowalski
John R. Kowalski, P.E.
Regional Construction Engineer

RECEIVED AND FILED

DFK:JRK:JMW:sjb
Attachment

cc: C. J. Morgante, Director of Operations
J. M. Wind, Associate Construction Engineer
J. S. Cogswell, Engineer in Charge

33



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION FIVE
100 SENECA STREET
BUFFALO, NY 14203
www.nysdot.gov

DARRELL F. KAMINSKI, P.E.
ACTING REGIONAL DIRECTOR

JOAN McDONALD
ACTING COMMISSIONER

D261009 CPIN 5512.43.321.302

**Replacement of the Pedestrian Bridge Over Route 33 and Humbolt Pkwy
(Bin 1022650 - Composite Girder)
City of Buffalo
Erie County**

February 4, 2011

Mr. Gerald Chwalinski, City Clerk
Buffalo City Hall
65 Niagara Square, Room 103
Buffalo, NY 14202

This is to advise you that the completed work on the above-noted contract was officially accepted by the New York State Department of Transportation on January 31, 2011.

The maintenance responsibilities for those features indicated on the attached contract plan sheet are hereby turned over to the respective agency. Please note if your agency is directly involved. If not, this letter serves as a courtesy to notify you that the contractor for this project, Nichols Long & Moore Constr. Corp., is no longer directly involved in roadway maintenance.

Very truly yours,

DARRELL F. KAMINSKI, P.E.
ACTING REGIONAL DIRECTOR

BY:

A handwritten signature in black ink, appearing to read "John R. Kowalski".

John R. Kowalski, P.E.
Regional Construction Engineer

RECEIVED AND FILED

DFK:JRK:CMG:sjb
Attachment

cc: C. J. Morgante, Director of Operations
C. M. Gennaro, Associate Construction Engineer
M. A. Kinbaum, Engineer in Charge

248

34



| LINE NO. | HIGHWAY | LIMITS | FEATURES TO BE MAINTAINED | § km | LN km | AGENCY | RESPONSIBLE AUTHORITY |
|----------|----------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-------|-------|-----------------|----------------------------------------------------|
| | | | HIGHWAYS | | | | |
| 1 | NY ROUTE 33 (EB & WB) | 5+800± TO 5+840± | MAINLINE ROADWAY PAVEMENT, SHOULDERS, CURBS, DRAINAGE SYSTEMS, SIGNS AND APPURTENANCES | 0.040 | 0.240 | NEW YORK STATE | HIGHWAY LAW, SECTION 340-d |
| 2 | HUMBOLDT PARKWAY (WB & SB) | 4+230± TO 4+270± | MAINLINE ROADWAY PAVEMENT, SHOULDERS, CURBS, SIDEWALKS, DRAINAGE SYSTEMS, SIGNS AND APPURTENANCES | 0.040 | 0.090 | CITY OF BUFFALO | HIGHWAY LAW, SECTION 340-d |
| 3 | LARK STREET | NA | MAINLINE ROADWAY PAVEMENT, CURBS, SIDEWALKS, DRAINAGE SYSTEMS, LANDSCAPING AND SIGNS | NA | NA | CITY OF BUFFALO | HIGHWAY LAW, SECTION 340-d |
| | | | STRUCTURES | | | | |
| 4 | PEDESTRIAN BRIDGE BIN 1022550 | § STA. 0+912± TO 1+095± | ENTIRE SUBSTRUCTURE AND OVERHEAD SIGNS | -- | -- | NEW YORK STATE | HIGHWAY LAW, SECTION 340-d |
| 5 | PEDESTRIAN BRIDGE BIN 1022550 | § STA. 0+912± TO 1+095± | ENTIRE SUPERSTRUCTURE AND APPROACH RAMP, DRAINAGE SYSTEM, LIGHTING, SAFETY MEASURES, RAILING, FENCING, AND ARCHITECTURAL METALWORK | -- | -- | CITY OF BUFFALO | HIGHWAY LAW, SECTION 340-d |
| | | | SNOW AND ICE CONTROL | | | | |
| 6 | NY ROUTE 33 (EB & WB) | 5+800± TO 5+840± | SNOW REMOVAL, ICE CONTROL AND PAVEMENT CLEANING | -- | -- | NEW YORK STATE | HIGHWAY LAW, SECTION 340-d |
| 7 | HUMBOLDT PARKWAY (WB & SB) | 4+230± TO 4+270± | SNOW REMOVAL, ICE CONTROL AND PAVEMENT CLEANING | -- | -- | CITY OF BUFFALO | HIGHWAY LAW, SECTION 340-d |
| 8 | LARK STREET | NA | SNOW REMOVAL, ICE CONTROL AND PAVEMENT CLEANING | -- | -- | CITY OF BUFFALO | HIGHWAY LAW, SECTION 340-d |
| 9 | PEDESTRIAN BRIDGE BIN 1022550 | § STA. 0+912± TO 1+095± | SNOW REMOVAL, ICE CONTROL AND PAVEMENT CLEANING | -- | -- | CITY OF BUFFALO | HIGHWAY LAW, SECTION 340-d |
| 10 | PEDESTRIAN BRIDGE | § STA. 0+895± TO 0+910± § STA. 1+032± TO 1+105± | LANDSCAPING LAWN CARE AND LANDSCAPING BETWEEN PEDESTRIAN BRIDGE AND STREETS | -- | -- | COUNTY OF ERIE | CITY OF BUFFALO, VIA AGREEMENT WITH COUNTY OF ERIE |
| 11 | PEDESTRIAN BRIDGE | § STA. 0+895± TO 0+910± § STA. 1+032± TO 1+105± | SIDEWALKS BETWEEN PEDESTRIAN BRIDGE AND STREETS | -- | -- | CITY OF BUFFALO | HIGHWAY LAW, SECTION 340-c |

1. ALL EXISTING SANITARY SEWERS AND OTHER SEWERS ARE DEEMED TO BE PART OF THE MUNICIPALITY OF PRIVATELY OWNED FACILITIES WITHIN THE LIMITS OF THE HIGHWAY R.O.P. WHICH REMAIN IN SERVICE UNCHANGED, AND ALL SUCH SEWERS BE RELOCATED TO THE RIGHT OF WAY OF THE HIGHWAY. ALL SUCH SEWERS SHALL BE MAINTAINED AS SUCH UNLESS THEY ARE DEEMED TO BE IN THE PUBLIC INTEREST TO BE ABANDONED IN THE CASE MAY BE BY THE MUNICIPALITY OR BY THE AGENCY OR UNIT OWNING OR CONTROLLING THE SAME.
2. THE PORTION OF A DRIVEWAY OR PRIVATE ROAD, CONSTRUCTED OR ADJUSTED UNDER THE PROJECT BETWEEN THE EDGE OF PAVEMENT AND THE OUTSIDE EDGE OF SLOPESIDE, OR CURB LINE SHALL BE MAINTAINED BY THE STATE. THE REMAINING PORTION OF THE DRIVEWAY OR PRIVATE ROAD, BETWEEN THE EDGE OF PAVEMENT AND THE OUTSIDE EDGE OF SLOPESIDE, OR CURB LINE, SHALL BE MAINTAINED BY THE OWNERS UNDER SECTIONS 54-4 OF THE ORDINANCES UNDER SECTION 54-4 OF THE HIGHWAY LAW.
3. MAINTENANCE SHALL BE LIMITED TO WITHIN THE R.O.P.

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BUFFALO AND ERIE COUNTY HISTORICAL SOCIETY

From the ordinary to the extraordinary

February 16, 2011

Councilmembers Michael LoCurto & Joseph Golombek Jr.
c/o M. LoCurto's office
Common Council of the City of Buffalo
1405 City Hall
Buffalo, NY 14202

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CHANGE STREET NAME
MUSEUM COURT

Dear Honorables LoCurto and Golombek:

Thank you very much for your collaborative support of the Buffalo & Erie County Historical Society's initiative to officially change the name of the street and our street address. Per your request, we are putting in writing an overview for the reasons behind this initiative.

The Historical Society is approaching its 150th anniversary of existence; as the region's trusted repository for artifacts, documents and stories, we continue to take very seriously our responsibility to engage the community, the city and the region in preserving, learning about and making their own contributions toward history.

As part of that responsibility, we endeavor to be easier to find. We plan to launch a new brand initiative in the spring of 2011, which will include an easier name, a memorable logo...and now with your help, a more common-sense, new, street address.

Our current address is 25 Nottingham Court. As you know, we are located at the corner of Nottingham Terrace and Elmwood Avenue. According to research done by Councilmember LoCurto's office, when the Scajaquada Parkway was constructed in the 1960s, and Elmwood's path was moved west to accommodate it, the street and the name "Nottingham Court" were created for a small piece of Elmwood Avenue that was essentially "left over." How the "25" was assigned we don't know. But it has caused no end of confusion, and continues to today.

Our neighbor at 25 Nottingham TERRACE receives our mail (and we his). He regularly receives our visitors, packages, and unwitting interns as well.

And that is not the only downside. It is simply confusing for many trying to find us, as well as for our staff to have to constantly explain and delineate that we are at "Nottingham Court," yes, it's the big building with the columns, etc. etc.

If the name of the street were simply "Museum Court," and our address "1 Museum Court," we feel confident that we could more efficiently serve the people of the community and tourists who are seeking to visit. We would be proud to be part of such an initiative. And thank you again for your assistance. We look forward to the next steps in the process.

Sincerely,


Melissa N. Brown
Executive Director

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The Buffalo Common Council

MICHAEL J. LOCURTO
DELAWARE DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, 1405 CITY HALL
BUFFALO, NY 14202-3318
PHONE: (716) 851-5155 ♦ FAX: (716) 851-4553
E-mail: mlocurto@city-buffalo.com



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CHAIR
COMMUNITY DEVELOPMENT

COMMITTEES
LEGISLATION
FINANCE
BUDGET

BOARDS
BURA

CHIEF OF STAFF
BRADLEY K. HAMM
LEGISLATIVE ASSISTANT
ALYSSA K. WEISS

February 17, 2011

Gerald Chwalinski, City Clerk
1302 City Hall
Buffalo, New York 14202

Re: Funding for the Arts is Focus of Forum

Dear Mr. Chwalinski:

Please file the attached item for further discussion at the next Common Council session to be held February 22nd, 2011.

Thank you in advance for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "m. j. locurto", is written over the printed name.

MICHAEL J. LOCURTO
Delaware District Councilmember

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CULTURALS

Funding for the arts is focus of forum

By **Harold McNeil**

Published: February 16, 2011, 12:00 AM

0 Comments

Updated: February 16, 2011, 6:45 AM

The seemingly elusive goal of pinpointing a dedicated funding stream for arts organizations in Erie County was explored Tuesday at a forum sponsored by the Partnership for the Public Good.

It's an old issue that recently was made more urgent when County Executive Chris Collins cut funding to all but 10 major local arts and cultural groups in his 2011 budget. That was before \$450,000 was restored by the County Legislature.

About 50 people, most of whom represent local arts organizations, attended Tuesday's forum at the partnership's headquarters in downtown Buffalo. Kathryn Foster, director of the Regional Institute at the University at Buffalo, got the ball rolling by revisiting findings from a 2006 UB report on sustaining arts and culture in the county. The original client for that report was a consortium of nearly two dozen local cultural groups, she said.

"When we released the report five years ago, the idea was that there might be a coalescence around it, a way for people to say what are our next action steps in order to keep this issue on the front burner or in order to get some action," Foster explained after the 12-hour meeting concluded.

Joining her on the panel exploring options from that 2006 report were: partnership co-director Samuel D. Magavern; Robert Gioia, president of the Oishei Foundation; Randall Kramer of the Greater Buffalo Cultural Alliance; and County Legislators Maria Whyte and Raymond Walter.

Gioia dismissed the idea of a public/private partnership, though he emphasized that the Legislature should not have autonomy over local arts funding.

"We would support [dedicating] a percentage of the sales tax [for arts funding]," Gioia said. "Number one, it rolls with the economy [and] I think most cultural

organizations are used to that. . . .”

Kramer said discussion should center around “funding arts for excellence.”

“We should stop looking at triage for wounded cultural,” Kramer said.

Walter expressed a desire to see arts funding wrested from the domain of politics.

“The decisions can’t be made on the floor of the Legislature,” he said.

Whyte, who described herself as an ardent supporter of public funding for the arts, said the community is in desperate need of a dialogue on whether public funding of the arts is, indeed, a priority.

hmcneil@buffnews.com

Comments

There are no comments on this story.

Add your comment

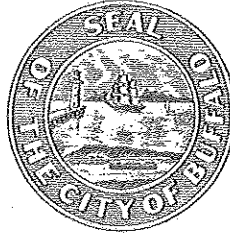
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**REFERRED TO THE COMMITTEE
ON FINANCE.**

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The Buffalo Common Council

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CHIEF OF STAFF
BRADLEY K. HAMM
LEGISLATIVE ASSISTANT
ALYSSA K. WEISS

February 16, 2011

Gerald Chwalinski, City Clerk
1302 City Hall
Buffalo, New York 14202

Re: The Western New York Environmental Alliance

Dear Mr. Chwalinski:

Please file the attached item for further discussion at the next Common Council session to be held February 22nd, 2011.

Thank you in advance for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. LoCurto".

MICHAEL J. LOCURTO
Delaware District Councilmember

The Western New York Environmental Alliance

Robert E. Knoer, Chair
Katy Duggan-Haas, Secretary

Board Members:

Anthony Armstrong
Julie Barrett O'Neill
Judith Einach
Thomas Herrera-Mishler
Bill Hudson
David Spiering
Arthur Wheaton

February 11, 2011

Hon. Byron W. Brown
Mayor, City of Buffalo
65 Niagara Square
Buffalo, NY 14202

Dear Mayor Brown:

The Western New York Environmental Alliance (WNYEA) is an umbrella group that connects local groups working on environmental issues so that they can together foster and accelerate positive change in policy and practice. WNYEA was created through the efforts of the Community Foundation for Greater Buffalo (CFGF) in 2009 to unite the many organizations working to restore and preserve our region's natural environment. Now comprised of more than sixty-five organizations, WNYEA is the region's preeminent environmental collaborative.

WNYEA would like to commend you and your administration for the ambitious rewrite of the City of Buffalo's outdated land use and zoning code. While zoning may not be a topic of conversation around many dinner tables, we nonetheless recognize its importance as the fundamental road map for development in our city and, by extension, the basis for the lifestyle and quality of life within our neighborhoods. Further, we would like to also express our optimism and enthusiasm for approaching this rewrite as a "Green Code", which we hope will not only embody environmentally focused best practices from other regions, but also set a new standard for sustainability for America's cities.

While the Green Code cuts across multiple environmental interests represented by WNYEA, among WNYEA's committees the Urban Regeneration Task Group – comprised of roughly 100 members – underscores the vast and growing interest in revitalizing Buffalo's neighborhoods in the face of decades of population loss and industrial decline. This recent history certainly provides a set of real and pressing challenges, but it also presents

The Western New York Environmental Alliance

The Western New York Environmental Alliance

a singular opportunity to rethink and remake the city as a unique location for advancing a municipal triple bottom line of people, planet and prosperity.

In that regard, WNYEA respectfully submits this open letter containing the following recommendations as core principles that will need to be reflected in a land use plan and zoning code in order for this project, and for Buffalo, to obtain these lofty goals.

PRINCIPLES OF SUSTAINABLE DEVELOPMENT

Our region's development pattern of the last sixty years has been unsustainable. According to the bi-county Framework for Regional Growth, from 1950 to 2000 developed areas tripled from 123 square miles to 367 square miles, but from 1960 and 2000 the region lost 137,000 residents and early Census indications are that number will fall even farther. Meanwhile, the legacy of heavy industry and the infrastructure that supported it rings our communities and continues to pose wellness and livability challenges, particularly for traditionally underserved populations. The land use and zoning code's ability to set a clear, sustainable and equitable path cannot be overlooked.

Environmental Justice

For too long our zoning has often placed poor people and people of color closest to polluting industry and contaminated property. Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. By viewing the Green Code through this lens, we must acknowledge the interlocking barriers to developing healthy communities. Environmental Justice should be a theme running throughout every aspect of our new land use plan and zoning code by protecting communities from toxics and undesirable infrastructure, while creating access to fresh, healthy and local food, employment opportunities, and safe places to play to foster a quality environment for all residents to reach their potential.

Smart Growth

The concepts of smart growth are well expounded and endorsed in the City's Comprehensive Plan as well as the Framework for Regional Growth and many other regional planning documents. However, too often in this region, these plans become of the variety that collect dust on a shelf rather than impact people's lives for the better. The Green Code represents an opportunity to translate these plans to action, by ensuring smart, accessible, integrated mixed-use and mixed-income communities are not just encouraged but required in future development.

THE NATURAL ENVIRONMENT

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The Western New York Environmental Alliance

Given Buffalo's vast depopulation and tremendous thinning of the built environment, the amount of population growth that would be necessary to fill all of the 16,000+ vacant lots that now exist in the city is not feasible in the short term. How, then, can the new zoning code promote non-conventional redevelopment in ways that increase the quality of life for current and future residents? Through small to large scale land areas involving short, medium and long term uses and solutions – from habitat areas to community gardens, urban agriculture and temporary event sites – the zoning code must protect public spaces and sensitive natural areas and accommodate currently proposed uses and projects while also being flexible enough to encourage future innovations.

Public Space

Buffalo has a great opportunity to provide easily accessible and high quality parks and green space – including community gardens, sports fields, historic landscapes, scenic views, access to water, urban squares, and more – for all of its residents. Ideally, every resident should be able to access a park or greenspace within a quarter-mile of where they live, and consideration should be given that each neighborhood can define what type(s) of park(s) are needed for its residents. We should look to our abundance of vacant lots and former industrial sites to meet our greenspace needs for neighborhoods and regional destinations, and should use this opportunity to integrate development and maintenance of public space with education and employment opportunities within communities.

Natural Resource Protection and Access

The new Green Code must protect our waterways and environmentally sensitive areas while providing residents with easy access to natural surroundings. The code must respect, complete, and enhance our existing and proposed community greenways and identify prime opportunities for increasing naturalized areas. The code should also ensure that all public infrastructure projects and all new and re-development projects will incorporate best management practices that minimize or eliminate stormwater discharge into the City's Combined Sewer Overflow system through on-site management as well as use of surplus land. Zoning must also affirm and protect public access and setback requirements to all waterways, and institutionalize increased habitat value and sedimentation and erosion controls for all waterfront adjacent development.

Urban Agriculture

Urban Agriculture can address a plethora of existing social and infrastructure issues through thoughtful land reuse and design. Even small-scale urban agriculture has multiple ancillary benefits including: access to local, fresh and healthy food for urban residents; direct environmental benefits in reduced carbon footprint, increased biodiversity, storm water management strategies and organic waste reuse; education and employment access in job skills and entrepreneurial training and supplemental income, as well as experience with nature and

The Western New York Environmental Alliance

food production; neighborhood development through beautification and blight abatement in addition to reduced crime through community stewardship and opportunity.

THE BUILT ENVIRONMENT

For sustainable cities, zoning isn't just about directing the form of a building or what happens within. Zoning's real power comes from the relationship between structures and systems, from the ability to shape experiences, ease burdens and enhance opportunity. The auto-centric policies of the mid-twentieth century were born of an era that tried to engineer a way out of social problems; that tried largely to impose an unnatural order of separation on complex interwoven systems. In Buffalo, the unintended consequences of this strategy have been disappointing to say the least. Complex systems require complex solutions, and in order to achieve our vision of a safe, equitable and healthy community, we need to focus on the needs of the people that ultimately comprise our city.

Public Health

Health begins where we live, learn, work and play – it starts in our families, in our schools and workplaces, in our playgrounds and parks, and in the air we breathe, water we drink and food we eat. The conditions in which we live and work have an enormous impact on our health. The Green Code provides an opportunity to promote active and healthy neighborhoods within our city by adopting a more health-friendly land use plan and zoning code, as well as urban design strategies, as a vital component of planning for communities and individuals. Health also plays a role in all aspects of land use planning – transportation, parks and recreation, housing and public facilities – and should be included within those elements and as a stand-alone component of the land use plan.

Public Safety

Though criminal acts have many and deep seeded causes, efforts to enhance public safety are too often confined to narrow definitions of law enforcement. However, the design of buildings, streets and neighborhoods has a direct impact on the safety of people in those places. The principles of crime prevention through environmental design need to be considered and codified in Buffalo's zoning. Some of these apply to each place or building: perceived ownership of public and private realms; appropriate access control for people and vehicles; image and appearance; and "eyes on the street". Others, still, apply to the relationships or transitions between buildings and places: activity support and complimentary land uses; circulation guides and predictors; and value added avoidance of use conflicts all will reduce the opportunities for criminal behavior.

Economic Integration

Buffalo can not achieve sustainable communities without sustainable employment. Spaces for economic development must be provided in a way that enhances neighborhood stability and

The Western New York Environmental Alliance

creates opportunities and career pathways for all of Buffalo's residents. Planning must be directed to a reduction of those barriers which reduce the logistical barriers to employment (i.e., time and expense of transportation and childcare), and for the provision of easy access to daily needs that does not require automobile access. New uses must compliment, foster, and strengthen entrepreneurial activity and neighborhood ownership, rather than drain value and vitality from existing communities. Sustainability requires opportunities for economic development that are integrated with, rather than separate or isolated from, community development.

Clean Energy

Both nationally and internationally there are strong efforts being made to reduce reliance on fossil fuel sources and cut carbon emissions in order to avoid projected climate disasters, and to create jobs through the deployment of renewable energy and energy conservation measures. Buffalo can lead in this effort by creating certainty for developers and installers as they look to adapt and scale up geothermal, solar, wind and energy efficiency technologies in and for the city's homes, buildings and land. Though aspects of residential and small scale commercial applications will need to be regulated by building codes, wherever possible the Green Code should set out appropriate siting criteria for various clean energy technologies while giving homeowners and business owners reliable and expedited processes to make their buildings energy efficient, comfortable, and inexpensive to heat and power.

PUBLIC ENGAGEMENT

WNYEA encourages a robust public engagement process throughout all aspects of the land use and zoning review and rewrite. Members of WNYEA and the Urban Regeneration Task Group have been and will continue to be engaged through the established public outreach process for the Buffalo Green Code, but we encourage the City and its consultants to recognize and address the fact that this is an under-resourced community with planning fatigue. In a region where often our planning is superb while our implementation is lacking, many have lost faith in a process that in many ways has not produced the hoped for tangible positive results within neighborhoods.

Enhanced Outreach

Building a big tent for community input means encouraging and respecting all voices while being careful not to allow those with larger personalities to dominate the process. In a largely disadvantaged community, where many are rightly more concerned with putting food on the table than influencing public policy, public participation means doing more than setting meeting dates and encouraging people to attend. As acknowledged by the establishment of the Community Advisory Committee, community engagement means leveraging existing networks. But it also means meeting residents on their own terms. It means going to where people already are and accepting their input in their voice that addresses their concerns. Other successful engagement techniques make it easier for those who want to come to traditional

The Western New York Environmental Alliance

meetings by providing children's activities, food and even bus fare wherever possible. Though these efforts represent an increase in costs, in relation to the project scope, the benefits of a better process are well worth the minimal expense.

Managing and Meeting Expectations

Input into land use and zoning must also be coupled with education about these somewhat arcane regulations. As the blueprint for rebuilding Buffalo, the zoning code rewrite will require making a series of difficult choices. In envisioning the ideal community, is easy to ask for the best of all worlds, but the limits of markets, scale and capital are not often so kind. This does not mean settling for less, but it does mean acknowledging these natural limits. It means vetting the implications of hierarchies of need and various design scenarios and bringing the expertise of professionals to bear in a way that is neither didactic nor demeaning, but is instead a helpful facilitator of the best achievable outcome. This is no small task and, for that, we are pleased at the caliber of the team that has been assembled to take it on.

For the great hopes that WNYEA has for the revised code, we also acknowledge that the Green Code is only the beginning. By its nature the Green Code will have limited impact on existing structures and uses. Though creating the DNA for the future of the City of Buffalo, we must also look to those remedies that heal the existing city by creating a suite of accompanying policies and practices that align municipal operations and capital investment with the intent of the new code. Likewise, companion legislation that incentivizes existing buildings and uses to comply with the spirit of the code will be necessary to accomplish the transformative change we all desire. We hope that the existing planning process for land use and zoning review will produce recommendations for this vital aspect as well.

This letter, which has been composed with input and content from many of our members, and more information on each of the topics and themes presented above can be found at www.GrowWNY.org. Thank you for your attention to this important matter, and we look forward to continuing our work together in the future.

Sincerely,

REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

Robert E. Knoer
Chair, WNYEA Standing Committee

Katy Duggan-Haas
Secretary, WNYEA Standing Committee

Anthony Armstrong
Co-Chair, Urban Regeneration Task Group

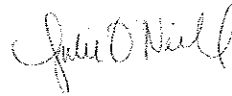
Thomas Herrera-Mishler
Chair, Parks and Recreation Task Group

The Western New York Environmental Alliance

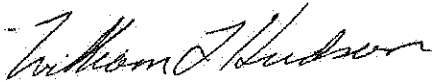
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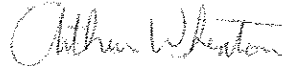
Judith Einach
Chair, Pollution and Waste Task Group



Julie Barrett O'Neill
Chair, Water Affinity Group



Bill Hudson
Co-Chair, Habitat and Natural Resources Task
Group



Arthur Wheaton
Co-Chair, Urban Regeneration Task Group

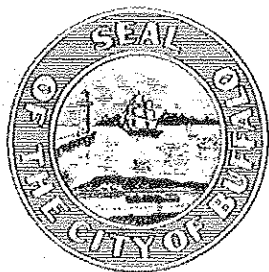


David Spiering
Co-Chair, Habitat and Natural Resources Task
Group

Cc: Brendan R. Mehaffy
Executive Director, City of Buffalo Office of Strategic Planning

Jacques Gourguechon
Principal Consultant Camiros, Ltd.

Members of the City of Buffalo Common Council



Common Council⁰⁰⁰³⁹

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City of Buffalo, NY

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February 15, 2011

Gerald Chwalinski, City Clerk
1302 City Hall
Buffalo, NY 14202

RE: Information provided by the Buffalo Olmsted Parks Conservancy: Two Reports
* Assessing the Value of Parks

Dear Mr. Chwalinski:

Please file the attached information which we received from the Buffalo Olmsted Parks Conservancy for the Common Council Meeting scheduled for Tuesday, February 22, 2011. Please annotate the items as "On File in Clerks Office" since we will electronically distribute copies of these reports to each Common Council Member.

Thank you for your assistance in this matter.

Sincerely,

JAMES S. PAJAK
Common Council Chief of Staff



BUFFALO
OLMSTED PARKS
CONSERVANCY

connecting parks & people

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Steven Stepniak, Ex-Officio

Thomas Herrera-Mishler, CEO

Buffalo's Olmsted System

Parks

Cazenovia
Delaware
Front
Martin Luther King, Jr.
Riverside
South

Parkways

Bidwell
Chapin
Lincoln
McKinley
Porter
Red Jacket
Richmond

Circles

Agassiz
Colonial
Ferry
Gates
McClellan
McKinley
Soldiers
Symphony

February 10, 2011

James Pajak
Chief of Staff, Office of Common Council
1412 City Hall
Buffalo, New York 14202

Dear Mr. Pajak:

Parks can play a significant role in the economic development of our city. Buffalo has significant opportunities to reuse vacant urban lands for recreation and parklands as well as strategic reinvestment in existing parks to promote a greater quality of life, enhanced property values and a better environment. The Outer Harbor, Union Ship Canal/South Buffalo Brownfield Opportunity Area, and the Buffalo Olmsted Parks Plan for the 21st Century represent important park/recreation initiatives, to name just a few.

I have enclosed copies of two reports and a recent article which you may find of interest. Both reports assess the value of parks, but from different perspectives. Some additional resources you may wish to explore include the Trust for Public Lands www.tpl.org and New Yorkers for Parks at www.ny4p.org.

The Buffalo Olmsted Parks Conservancy Plan for the 21st Century identifies research that finds that quality parks offer our city real economic benefits. Individuals living near quality parks tend to exercise 25% more than the general population with an associated decrease in obesity and related illness. Young people with access to quality parks tend to avoid getting in trouble by 27% more than the general population. (Don't incarcerate, Recreate!)

Olmsted has enjoyed a very positive working relationship the city of Buffalo and especially with the Public Works Department including Commissioner Steve Stepniak and Deputy Commissioner of Parks Andy Rabb. I believe our partnership is fast becoming a national model for a highly effective public/private partnership and I look forward to continued improvements to our city's parks, both Olmsted- designed and otherwise. Other cities across the nation are finding the tremendous return on investing in the parks and I hope you will find these materials of interest.

Sincerely yours,

Thomas Herrera-Mishler
CEO and President
Buffalo Olmsted Parks Conservancy

REFERRED TO THE COMMITTEE
ON FINANCE.

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As many as two-thirds of the residents of America's largest cities do not have access to a nearby park, playground, or open space.

WHY AMERICA NEEDS MORE
CITY PARKS AND OPEN SPACE

THE BENEFITS OF PARKS



THE TRUST *for* PUBLIC LAND
CONSERVING LAND FOR PEOPLE

266

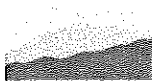
The Benefits of Parks:

Why America Needs More City Parks and Open Space

By Paul M. Sherer

Published by:

THE
TRUST
for
PUBLIC
LAND



116 New Montgomery Street
Fourth Floor
San Francisco, CA 94105
(415) 495-4014
www.tpl.org

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Forward

At the turn of the 20th century, the majority of Americans lived in rural areas and small towns, relatively close to the land. At the beginning of the 21st century, 85 percent of us were living in cities and metropolitan areas, and many of us are in desperate need of places to experience nature and refresh ourselves in the out-of-doors.

The emergence of America as an urban nation was anticipated by Frederick Law Olmsted and other 19th-century park visionaries, who gave us New York's Central Park, San Francisco's Golden Gate Park, and similar grand parks in cities across the nation. They were gardeners and designers-but also preachers for the power of parks, fired from within by the understanding that they were shaping the quality of American lives for generations to come.

In the view of these park visionaries, parks were not "amenities." They were necessities, providing recreation, inspiration, and essential respite from the city's glare and bustle. And the visionaries were particularly concerned that parks be available to all of a city's residents-especially those who did not have the resources to escape to the countryside.

As population shifted to the suburbs after World War II, this vision of parks for all faded. Many cities lost the resources to create new parks. And in the new suburbs, the sprawling landscapes of curving cul-de-sacs were broken mostly by boxy shopping centers and concrete parking lots.

The time has come for Americans to rededicate themselves to the vision of parks for all the nation's people. As the nation's leading conservation group creating parks in and around cities, the Trust for Public Land (TPL) has launched its Parks for People initiative in the belief that every American child should enjoy convenient access to a nearby park or playground.

This white paper outlines how desperate the need is for city parks-especially in inner-city neighborhoods. And it goes on to describe the social, environmental, economic, and health benefits parks bring to a city and its people. TPL hopes this paper will generate discussion about the need for parks, prompt new research on the benefits of parks to cities, and serve as a reference for government leaders and volunteers as they make the case that parks are essential to the health and well-being of all Americans.

You will find more information about the need for city parks and their benefits in the Parks for People section of TPL's Web site (www.tpl.org/pforp) where you can also sign-up for Parks for People information and support TPL's Parks for People work.

TPL is proud to be highlighting the need for parks in America's cities. Thanks for joining our effort to ensure a park within reach of every American home.

Will Rogers
President, the Trust for Public Land

Executive Summary

City parks and open space improve our physical and psychological health, strengthen our communities, and make our cities and neighborhoods more attractive places to live and work.

But too few Americans are able to enjoy these benefits. Eighty percent of Americans live in metropolitan areas, and many of these areas are severely lacking in park space. Only 30 percent of Los Angeles residents live within walking distance of a nearby park. Atlanta has no public green space larger than one-third of a square mile.

Low-income neighborhoods populated by minorities and recent immigrants are especially short of park space. From an equity standpoint, there is a strong need to redress this imbalance. In Los Angeles, white neighborhoods enjoy 31.8 acres of park space for every 1,000 people, compared with 1.7 acres in African-American neighborhoods and 0.6 acres in Latino neighborhoods. This inequitable distribution of park space harms the residents of these communities and creates substantial costs for the nation as a whole.

U.S. voters have repeatedly shown their willingness to raise their own taxes to pay for new or improved parks. In 2002, 189 conservation funding measures appeared on ballots in 28 states. Voters approved three-quarters of these, generating \$10 billion in conservation-related funding.

Many of the nation's great city parks were built in the second half of the 19th century. Urban planners believed the parks would improve public health, relieve the stresses of urban life, and create a democratizing public space where rich and poor would mix on equal terms. By the mid-20th century, city parks fell into decline as people fled inner cities for the suburbs. The suburbs fared no better, as people believed that backyards would meet the requirement for public open space.

Over the past couple of decades, interest in city parks has revived. Governments and civic groups around the country have revitalized run-down city parks, built greenways along rivers, converted abandoned railroad lines to trails, and planted community gardens in vacant lots. But with the current economic downturn, states and cities facing severe budget crises are slashing their park spending, threatening the health of existing parks, and curtailing the creation of new parks.

Strong evidence shows that when people have access to parks, they exercise more. Regular physical activity has been shown to increase health and reduce the risk of a wide range of diseases, including heart disease, hypertension, colon cancer, and diabetes. Physical activity also relieves symptoms of depression and anxiety, improves mood, and enhances psychological well-being. Beyond the benefits of exercise, a growing body of research shows that contact with the natural world improves physical and psychological health.

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Despite the importance of exercise, only 25 percent of American adults engage in the recommended levels of physical activity, and 29 percent engage in no leisure-time physical activity. The sedentary lifestyle and unhealthy diet of Americans have produced an epidemic of obesity. The Centers for Disease Control and Prevention has called for the creation of more parks and playgrounds to help fight this epidemic.

Numerous studies have shown that parks and open space increase the value of neighboring residential property. Growing evidence points to a similar benefit on commercial property value. The availability of park and recreation facilities is an important quality-of-life factor for corporations choosing where to locate facilities and for well-educated individuals choosing a place to live. City parks such as San Antonio's Riverwalk Park often become important tourism draws, contributing heavily to local businesses.

Green space in urban areas provides substantial environmental benefits. Trees reduce air pollution and water pollution, they help keep cities cooler, and they are a more effective and less expensive way to manage stormwater runoff than building systems of concrete sewers and drainage ditches.

City parks also produce important social and community development benefits. They make inner-city neighborhoods more livable; they offer recreational opportunities for at-risk youth, low-income children, and low-income families; and they provide places in low-income neighborhoods where people can feel a sense of community. Access to public parks and recreational facilities has been strongly linked to reductions in crime and in particular to reduced juvenile delinquency.

Community gardens increase residents' sense of community ownership and stewardship, provide a focus for neighborhood activities, expose inner-city youth to nature, connect people from diverse cultures, reduce crime by cleaning up vacant lots, and build community leaders.

In light of these benefits, the Trust for Public Land calls for a revival of the city parks movement of the late 19th century. We invite all Americans to join the effort to bring parks, open spaces, and greenways into the nation's neighborhoods where everyone can benefit from them.

America Needs More City Parks

U.S. Cities Are Park-Poor

The residents of many U.S. cities lack adequate access to parks and open space near their homes. In 2000, 80 percent of Americans were living in metropolitan areas, up from 48 percent in 1940.¹ The park space in many of these metropolitan areas is grossly inadequate.

In Atlanta, for example, parkland covers only 3.8 percent of the city's area. Atlanta has no public green space larger than one-third of a square mile.² The city has only 7.8 acres of park space for every 1,000 residents, compared with a 19.1 acre average for other medium-low population density cities.³ The story is much the same in Los Angeles, San Jose, New Orleans, and Dallas.

Even in cities that have substantial park space as a whole, the residents of many neighborhoods lack access to nearby parks. In New York City, for example, nearly half of the city's 59 community board districts have less than 1.5 acres of parkland per 1,000 residents.⁴

Low-Income Neighborhoods Are Desperately Short of Park Space

Low-income neighborhoods populated by minorities and recent immigrants are especially short of park space. Minorities and the poor have historically been shunted off to live on the wrong side of the tracks, in paved-over, industrialized areas with few public amenities. From an equity standpoint, there is a strong need to redress this imbalance.

In Los Angeles, white neighborhoods (where whites make up 75 percent or more of the residents) boast 31.8 acres of park space for every 1,000 people, compared with 1.7 acres in African-American neighborhoods and 0.6 acres in Latino neighborhoods.⁵

This inequitable distribution of park space harms the residents of these communities and creates substantial costs to the nation as a whole. The health care costs alone are potentially enormous. Lacking places for recreation, minorities and low-income individuals are significantly less likely than whites and high-income individuals to engage in the regular physical activity that is crucial to good health.

Among non-Hispanic white adults in the United States, 34.9 percent engage in regular leisure-time physical activity, compared with only 25.4 percent of non-Hispanic black adults and 22.7 percent of Hispanic adults.⁶ And adults with incomes below the poverty level are three times as likely as high-income adults to never be physically active.⁷

Even where the government or voters have allocated new money for park acquisition, there is significant risk that wealthier and better-organized districts will grab more than their fair share. The Los Angeles neighborhood of South Central—with the city's second-highest pover-

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ty rate, highest share of children, and lowest access to nearby park space-received only about half as much per-child parks funding as affluent West Los Angeles from Proposition K between 1998 and 2000.⁸

Case Study: New Parks for Los Angeles

With 28,000 people crammed into its one square mile⁹ of low-rise buildings, the city of Maywood in Los Angeles County is the most densely populated U.S. city outside the New York City metropolitan area.¹⁰ Its residents-96 percent are Hispanic and 37 percent are children-are often packed five to a bedroom, with entire families living in garages and beds being used on a time-share basis.

The Trust for Public Land (TPL) has been working in Maywood since 1996 to purchase, assemble, and convert six separate former industrial sites into a seven-acre riverside park. The project will double Maywood's park space."

Before TPL began its work, the future park site was occupied by abandoned warehouses and industrial buildings, covered in garbage, graffiti, rusted metal, and barrels of industrial waste. Until the late 1980s, the parcels contained a glue factory, a transfer facility for solvents, and a truck service facility; one parcel was designated an Environmental Protection Agency Superfund site.¹²

TPL is preparing to acquire the final parcel and has developed preliminary designs for the site. The completed park will invite Maywood's residents to gather at its picnic benches, stroll its walking trails, relax on its lawns, and play with their children in its tot lot.

The Maywood project is a precursor of TPL's Parks for People-Los Angeles program, an ambitious new effort to create parks where they are most desperately needed.

The case for more parks in Los Angeles is among the most compelling of any American city today. Only 30 percent of its residents live within a quarter mile of a park, compared with between 80 percent and 90 percent in Boston and New York, respectively.¹³ If these residents are Latino, African American, or Asian Pacific, they have even less access to green space.

TPL has set a goal of creating 25 new open space projects in Los Angeles over the next five years. TPL believes that a significant percentage of public park funding should be invested in underserved minority communities. To accomplish this goal, TPL will help these communities through the gauntlets of public and private fundraising, real estate transactions, strategic planning, and stewardship issues.

Los Angeles is also the site of TPL's first application of Geographical Information Systems (GIS) to assess the need for parks. TPL launched the GIS program in late 2001 in Los

Angeles and has since expanded the program to New York, Las Vegas, Boston, Charlotte, Miami, and Camden and Newark, New Jersey. TPL's GIS system uses census, demographic and other data to map out areas of high population, concentrated poverty, and lack of access to park space.

With GIS technology, TPL can now pinpoint the areas of fastest population growth, study landownership patterns, and acquire key parcels before development demand drives up property prices or destroys open space. Further, GIS helps TPL create contiguous park space, protecting natural habitats and connecting larger parks with linear greenways, rather than create a patchwork quilt of open space.¹⁴

The Public Wants More Parks

Voters have repeatedly shown their willingness to raise their own taxes to pay for new or improved parks. In the November 2002 elections, voters in 93 communities in 22 states approved ballot measures that committed \$2.9 billion to acquire and restore land for parks and open space. Voters approved 85 percent of such referendums in these elections.¹⁵ Voter support in 2002 increased from the already strong 75 percent approval rate for similar measures in November 2001.¹⁶

History of America's City Parks: Inspiration, Abandonment, Revival

During the second half of the 19th century, American cities built grand city parks to improve their residents' quality of life. Dubbed 19th-century pleasure grounds by park historians, the parks include New York's Central Park and San Francisco's Golden Gate Park.

Municipal officials of the time saw these parks as a refuge from the crowded, polluted, stressful cities—places where citizens could experience fresh air, sunshine, and the spiritually transforming power of nature; a place for recreation; and a democratizing public space where rich and poor would mix on equal terms.

The new parks were inspired by "an anti-urban ideal that dwelt on the traditional prescription for relief from the evils of the city—to escape to the country," Galen Cranz writes. "The new American parks thus were conceived as great pleasure grounds meant to be pieces of the country, with fresh air, meadows, lakes, and sunshine right in the city."¹⁷

The Decline of City Parks

Beginning in the Great Depression and continuing through much of the 20th century, spending on city parks declined. The well-to-do and white abandoned the cities for the suburbs,

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taking public funding with them. Cities and their parks fell into a spiral of decay. Cities cut park maintenance funds, parks deteriorated, and crime rose; many city dwellers came to view places like Central Park as too dangerous to visit.¹⁸

The suburbs that mushroomed at the edges of major cities were often built with little public park space. For residents of these areas, a trip out of the house means a drive to the shopping mall.

Beginning around 1990, many city and town councils began forcing developers to add open space to their projects. Still, these open spaces are often effectively off-limits to the general public; in the vast sprawl around Las Vegas, for example, the newer subdivisions often have open space at their centers, but these spaces are hidden inside a labyrinth of winding streets. Residents of older, low- and middle-income neighborhoods have to get in their cars (if they have one) and drive to find recreation space.¹⁹

A Revival Begins

More recently, city parks have experienced something of a renaissance which has benefited cities unequally. The trend began in the 1970s and flourished in the 1990s as part of a general renewal of urban areas funded by a strong economy. It coincided with a philosophical shift in urban planning away from designing around the automobile and a backlash against the alienating modernism of mid-20th-century public architecture, in favor of public spaces that welcome and engage the community in general and the pedestrian in particular.

Government authorities, civic groups, and private agencies around the country have worked together to revitalize run-down city parks, build greenways along formerly polluted rivers, convert abandoned railroad lines to trails, and plant community gardens in vacant lots.

The Park at Post Office Square in Boston shows how even a small but well-designed open space can transform its surroundings. Before work on the park began in the late 1980s, the square was filled by an exceptionally ugly concrete parking garage, blighting an important part of the financial district. Many buildings on the square shifted their entrances and addresses to other streets not facing the square.²⁰

Completed in 1992, the 1.7-acre park is considered one of the most beautiful city parks in the United States. Its immaculate landscaping—with 125 species of plants, flowers, bushes, and trees—its half-acre lawn, its fountains, and its teak and granite benches lure throngs of workers during lunchtime on warm days. Hidden underneath is a seven-floor parking garage for 1,400 cars, which provides financial support for the park.²¹

"It clearly, without any question, has enhanced and changed the entire neighborhood," says Serge Denis, managing director of Le Meridien Hotel Boston, which borders the park. "It's absolutely gorgeous." Not surprisingly, rooms overlooking the park command a premium.²²

Yet despite such success stories, local communities often lack the transactional and development skills to effectively acquire property and convert it into park space. TPL serves a vital role in this capacity, working closely with local governments and community residents to determine where parks are needed; to help develop funding strategies; to negotiate and acquire property; to plan the park and develop it; and finally, to turn it over to the public.

Between 1971 and 2002, the Trust for Public Land's work in cities resulted in the acquisition of 532 properties totaling 40,754 acres. In the nation's 50 largest cities TPL acquired 138 properties totaling 7,640 acres.²³

Budget Crises Threaten City Parks

In the wake of the bursting of the economic bubble of the late 1990s, states and cities facing severe budget crises are slashing their park spending. With a projected \$2.4 billion budget shortfall in the two-year period beginning July 2003, Minnesota has cut its aid to local governments, hurting city park systems across the state. The Minneapolis Park & Recreation Board, confronting a 20 percent cut in its funding through 2004, has been forced to respond by deferring maintenance, closing wading pools and beaches, providing fewer portable toilets, and reducing its mounted police patrol program. The required program cuts "represent a huge loss to the Minneapolis Park & Recreation Board and to the children of Minneapolis," says Park Board Superintendent Mary Merrill Anderson.²⁴

When Georgia's state legislature went into session in January 2003, lawmakers found themselves grappling with a \$650 million budget shortfall. Part of their response was to eliminate the planned \$30 million in fiscal 2003 funding for the Georgia Community Greenspace Program, after appropriating \$30 million per fiscal year in 2001 and 2002. The legislature also cut the 2004 budget from \$30 million to \$10 million. The program helps the state's fastest-growing counties set aside adequate green space—at least 20 percent of their land—amid all the new subdivisions and strip malls. Most of the affected counties are around Atlanta, among the nation's worst examples of urban sprawl.

For legislators hunting for budget-cutting targets, Georgia's \$30 million Community Greenspace Program "was like a buffalo in the middle of a group of chickens," says David Swann, program director for TPL's Atlanta office. The cut "makes a compelling argument that we need a dedicated funding source, so that green space acquisition isn't depending on fiscal cycles and the legislature."²⁵

The federal government has also cut its city parks spending. In 1978, the federal government established the Urban Park and Recreation Recovery (UPARR) program to help urban areas rehabilitate their recreational facilities. The program received no funding in fiscal year 2003, down from \$28.9 million in both 2001 and 2002.²⁶ President Bush's budget proposal for fiscal 2004 also allocates no UPARR funding.

Public Health Benefits of City Parks and Open Space

Physical Activity Makes People Healthier

A comprehensive 1996 report by the U.S. Surgeon General found that people who engage in regular physical activity benefit from reduced risk of premature death; reduced risk of coronary heart disease, hypertension, colon cancer, and non-insulin-dependent diabetes; improved maintenance of muscle strength, joint structure, and joint function; weight loss and favorable redistribution of body fat; improved physical functioning in persons suffering from poor health; and healthier cardiovascular, respiratory, and endocrine systems.²⁷

"Americans can substantially improve their health and quality of life by including moderate amounts of physical activity in their daily lives," the report found. It also found that "health benefits appear to be proportional to the amount of activity; thus, every increase in activity adds some benefit."²⁸

Physical activity also produces important psychological benefits, the Surgeon General found. It relieves symptoms of depression and anxiety, improves mood, and enhances psychological well-being.²⁹

America's Twin Plagues: Physical Inactivity and Obesity

Despite the well-known benefits of physical activity, only 25 percent of American adults engage in the recommended levels of physical activity, and 29 percent engage in no leisure-time physical activity, according to the Centers for Disease Control and Prevention (CDC). The problem extends to children: only 27 percent of students in grades 9 through 12 engage in moderate-to-intensive physical activity.³⁰

The sedentary lifestyle and unhealthy American diet have produced an epidemic of obesity. Among U.S. adults between 20 and 74 years old, 27 percent were obese in 1999, nearly double the 15 percent obesity rate in 1980, according to the CDC. Similarly, the percentage of children and adolescents who are overweight has more than doubled since the early 1970s; about 13 percent of children and adolescents are now seriously overweight.³¹

Obese people suffer increased risk of high blood pressure, hypertension, high blood cholesterol, non-insulin-dependent diabetes, coronary heart disease, congestive heart failure, stroke, gallstones, osteoarthritis, some types of cancer (such as endometrial, breast, prostate, and colon), complications of pregnancy, poor female reproductive health (such as menstrual irregularities, infertility, and irregular ovulation), and bladder control problems. They also suffer great risk of psychological problems such as depression, eating disorders, distorted body image, and low self-esteem.³²

Access to Parks Increases Frequency of Exercise

Strong evidence shows that when people have access to parks, they exercise more. In a study published by the CDC, creation of or enhanced access to places for physical activity led to a 25.6 percent increase in the percentage of people exercising on three or more days per week.³³

A group of studies reviewed in the American Journal of Preventive Medicine showed that "creation of or enhanced access to places for physical activity combined with informational outreach" produced a 48.4 percent increase in frequency of physical activity.³⁴

The same group of studies showed that access to a place to exercise results in a 5.1 percent median increase in aerobic capacity, along with a reduction in body fat, weight loss, improvements in flexibility, and an increase in perceived energy.³⁵

When people have nowhere to walk, they gain weight. Obesity is more likely in unwalkable neighborhoods, but goes down when measures of walkability go up: dense housing, well-connected streets, and mixed landuses reduce the probability that residents will be obese.³⁶

Exposure to Nature and Greenery Makes People Healthier

Beyond the recreational opportunities offered by parks, a growing body of research shows that contact with the natural world improves physical and psychological health.

One important study reviewed the recoveries of surgical patients in a Pennsylvania hospital. The rooms of some patients overlooked a stand of trees, while others faced a brown brick wall. A review of ten years of medical records showed that patients with tree views had shorter hospitalizations, less need for painkillers, and fewer negative comments in the nurses' notes, compared with patients with brick-wall views.³⁷

The benefits extend to psychological health. "The concept that plants have a role in mental health is well established," according to a review of previous studies by Howard Frumkin in the American Journal of Preventive Medicine. "Horticultural therapy evolved as a form of mental health treatment, based on the therapeutic effects of gardening. It is also used today in community-based programs, geriatrics programs, prisons, developmental disabilities programs, and special education."³⁸

Further, "research on recreational activities has shown that savanna-like settings are associated with self-reported feelings of 'peacefulness,' 'tranquility,' or 'relaxation,'" Frumkin writes. "Viewing such settings leads to decreased fear and anger...[and] is associated with enhanced mental alertness, attention, and cognitive performance, as measured by tasks such as proof-reading and by formal psychological testing."³⁹

An extensive study published in 2001 in the Netherlands set out to determine the link

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between green space and health. The study overlaid two extensive databases, one with health information on more than 10,000 residents of the Netherlands, and the other a landuse database covering every 25-by-25-meter square in the nation, allowing researchers to know which people lived near city parks, agricultural land, and forests and nature areas.⁴⁰

The study produced several key findings. First, "in a greener environment people report fewer health complaints, more often rate themselves as being in good health, and have better mental health," the study found. Second, "when it comes to health, all types of green seem to be equally 'effective'; the study found the same benefit from living near city parks, agricultural areas, and forest."

A ten percent increase in nearby greenspace was found to decrease a person's health complaints in an amount equivalent to a five year reduction in that person's age.

Important theoretical foundations were laid in this area by Harvard biologist Edward O. Wilson, who in 1984 hypothesized the existence of biophilia, "the innately emotional affiliation of human beings to other living organisms."⁴²

Others have extended this idea to postulate "an affinity for nature that goes beyond living things, to include streams, ocean waves, and wind."⁴³ This affinity may stem from evolutionary roots: "For the great majority of human existence, human biology has been embedded in the natural environment," Frumkin writes. "Those who could smell the water, find the plants, follow the animals, and recognize the safe havens, must have enjoyed survival advantages."⁴⁴

Economic Benefits of Parks

Increased Property Values

"The real estate market consistently demonstrates that many people are willing to pay a larger amount for a property located close to parks and open space areas than for a home that does not offer this amenity," writes John L. Crompton, a professor at Texas A&M University who has published extensive research on parks and recreation.⁴⁵

In his 2000 report, Crompton reviewed 25 studies investigating whether parks and open space contributed to property values of neighboring properties, and found that 20 of the results indicated such an increase.⁴⁶

The higher value of these homes means that their owners pay higher property taxes. In some instances, the additional property taxes are sufficient to pay the annual debt charges on the bonds used to finance the park's acquisition and development. "In these cases, the park is obtained at no long-term cost to the jurisdiction," Crompton writes.⁴⁷

Repeated studies over the years have confirmed that people prefer to buy homes close to parks, open space, and greenery. One key study looked at the effect of proximity to greenbelts in Boulder, Colorado. The study showed that, other things being equal, there was a \$4.20 decrease in the price of residential property for every foot one moved away from the greenbelt, and that the average value of homes next to the greenbelt was 32 percent higher than those 3,200 feet away.⁴⁸

The same study showed that the greenbelt added \$5.4 million to the total property values of one neighborhood. That generated \$500,000 per year in additional potential property taxes, enough to cover the \$1.5 million purchase price of the greenbelt in only three years.⁴⁹

In a 2001 survey conducted for the National Association of Realtors by Public Opinion Strategies, 50 percent of respondents said they would be willing to pay 10 percent more for a house located near a park or other protected open space. In the same survey, 57 percent of respondents said that if they were in the market to buy a new home, they would be more likely to select one neighborhood over another if it was close to parks and open space.⁵⁰

In this time of budget austerity, one point is crucial: to protect the positive economic impact of parks, the parks must be well maintained and secure. A park that is dangerous and ill kept is likely to hurt the value of nearby homes.⁵¹

Property Values in Low-Income Urban Areas

A University of Southern California study found that the positive relationship between park proximity and property value holds true in neighborhoods where the residents are mostly immigrants and poor. In a dense urban neighborhood, the value effect of nearby green space can be stronger than lot size itself. The study found that an 11 percent increase in the amount of green space within a radius of 200 to 500 feet from a house leads to an approximate increase of 1.5 percent in the expected sales price of the house, or an additional \$3,440 in the median price.⁵²

Because of the increased property value, the study found that the \$200,000 purchase of a one-third-acre lot for creation of a small park would yield additional property tax revenues of \$13,000 per year. These tax revenue increases would pay for the park's cost in about 15 years with no additional taxes.⁵³

Property Values at the Edges of Urban Areas

As farmland and forests are swallowed up at the edges of fast-growing cities, some subdivision developers have come to realize that preserving open or natural space within a new community can increase the value of the home lots. One subdivision designer calls the concept "conservation subdivision design" and advocates designing around and preserving natural and

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rustic features such as meadows, orchards, fields and pastures, stream valley habitat, and woodlands.⁵⁴

Effects on Commercial Property Values

Its name is Bryant Park, but by 1980, the 133-year-old square behind the New York Public Library was known as "Needle Park," for the drug dealers who plied their trade behind its spiked iron fence and thick shrubbery. With an average of 150 robberies a year in Bryant Park, citizens entered at their peril.

But after a 12-year renovation, the park reopened in 1992, becoming the site of major fashion shows, a jazz festival, outdoor movies, and an outdoor café, and attracting thousands of visitors each day. Within two years of the reopening, leasing activity on neighboring Sixth Avenue had increased 60 percent over the previous year, with brokers referring to the park as the "deal-clincher."⁵⁵

The park revived demand for space in neighboring office buildings. Between 1990 and 2000, rents for commercial office space near Bryant Park increased between 115 percent and 225 percent, compared with increases of between 41 percent and 73 percent in the surrounding submarkets, according to a study conducted by Ernst & Young. The same report, which analyzed 36 neighborhood parks in all five boroughs of New York City, concluded that "commercial asking rents, residential sale prices, and assessed values for properties near a well-improved park generally exceeded rents in surrounding submarkets."⁵⁶

A similar story played out in Atlanta, where Centennial Olympic Park was built as the central space for the 1996 Summer Olympics. Property value in the immediate area was \$2 per square foot in the early 1980s; by the end of the 1990s, that value had risen to \$150 per square foot.⁵⁷

Economic Revitalization: Attracting and Retaining Businesses and Residents

In May 2001, Boeing Co. announced its decision for the location of its new corporate headquarters, after a heated three-way battle among Chicago, Dallas, and Denver. In choosing Chicago, Boeing officials cited, among other reasons, the city's quality of life, including recreation opportunities, its downtown, and urban life.⁵⁸

The choice sent Dallas into a long-overdue bout of introspection. Dallas took a good hard look at itself and decided it needed more downtown park space. "The Boeing relocation had a profound impact on people's attitude toward the quality of life in our city in general, and the quality of our downtown environment in particular," says Willis Winters of the Dallas Park and Recreation Department.⁵⁹

Downtown Dallas is ringed by highways and lined with office towers-with estimated vacancy

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rates of more than 30 percent-but bereft of green space.

"I have winced over the demise of downtown over the years, and I believe that its renaissance has to come through housing," says Ken Hughes, a major Dallas developer who has been working on downtown green space plans. "I don't believe people, on a permanent basis, want to live in an environment where they have no refuge from the hardness of downtown city buildings, without having any place to go out and stroll, take your dog, or just enjoy some sun."⁶⁰

Three months after Boeing's decision, then Dallas Mayor Ron Kirk appointed a ten-person task force to study ways to revitalize downtown Dallas.⁶¹ The task force delivered its findings in January 2002. Among its top recommendations: "Dramatically expand new parks and open spaces."⁶²

Laura Miller was elected mayor the following month and appointed the Inside the Loop Committee, which came to a similar conclusion. Working with the Park and Recreation Department, she has promoted plans to create new downtown parks for Dallas, which is the nation's eighth-largest city. On July 10, 2003, consultants named four potential downtown park sites as the most promising among 17 proposed.⁶³ TPL has been in discussions since early 2003 with city officials, developers, and property owners about acquiring key parcels.

In using green space to revitalize itself, Dallas is following a tried-and-true model. The green space surrounding Portland, Oregon, helped build its reputation as one of the country's most livable cities. Companies like Hewlett-Packard, Intel, and Hyundai have been drawn to the region by the forests, orchards, and creeks on the outskirts of Portland's urban area.⁶⁴

Quality of life is a determining factor in real estate values and economic vitality. A 1998 real estate industry report calls livability "a litmus test for determining the strength of the real estate investment market.... If people want to live in a place, companies, stores, hotels, and apartments will follow."⁶⁵

A vice president at computer giant Dell Corp. in Austin, Texas, observed, "People working in high-tech companies are used to there being a high quality of life in the metropolitan areas in which they live. When we at Dell go and recruit in those areas, we have to be able to demonstrate to them that the quality of life in Austin is at least comparable or they won't come."⁶⁶

In Missouri and Illinois, civic leaders led by Missouri Senator John Danforth have used the upcoming 2004 bicentennial of the Lewis and Clark Expedition to launch an ambitious effort to revitalize St. Louis and the nearby region, in a program called St. Louis 2004. Improving quality of life is a major goal, with a central emphasis on keeping well-educated young people in the region.

As a cornerstone of the plan, Missouri and Illinois are working to create the Confluence

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Greenway. The Greenway will cover a 200-square-mile area in five counties on both sides of the Mississippi River, stretching 40 miles from downtown St. Louis to the confluence of the Missouri and Mississippi Rivers near Grafton, Illinois. The Greenway traces the first stretch of the Louis and Clark Expedition. In November 2000, voters passed Proposition C, enacting a one-tenth of one-cent sales tax to generate \$23.5 million annually for parks and open space improvements in the region.⁶⁷

TPL is actively involved in the project. It helped the Illinois Department of Natural Resources acquire 2,000 acres of land on Gabaret Island and Mosenthein Island on the Mississippi River. TPL also acquired and turned over to the government a 119-acre parcel in St. Louis that will serve as home for the Great River Resource Center, a regional educational and interpretive center.⁶⁸

Tourism Benefits

A park often becomes one of a city's signature attractions, a prime marketing tool to attract tourists, conventions, and businesses. Parks such as the Boston Public Garden, Baltimore's Inner Harbor, and Minneapolis's Chain of Lakes Regional Park help shape city identity and give residents pride of place.

Chain of Lakes received 5.5 million visitors in 2001, making it Minnesota's second-biggest attraction after the Mall of America.⁶⁹ And San Antonio's Riverwalk Park, created for \$425,000, has overtaken the Alamo as the most popular attraction for the city's \$3.5 billion tourism industry.⁷⁰

Organized events held in public parks—arts festivals, athletic events, food festivals, musical and theatrical events—often bring substantial positive economic impacts to their communities, filling hotel rooms and restaurants and bringing customers to local stores.⁷¹

Environmental Benefits of Parks

Pollution Abatement and Cooling

Green space in urban areas provides substantial environmental benefits. The U.S. Forest Service calculated that over a 50-year lifetime one tree generates \$31,250 worth of oxygen, provides \$62,000 worth of air pollution control, recycles \$37,500 worth of water, and controls \$31,250 worth of soil erosion.⁷²

Trees in New York City removed an estimated 1,821 metric tons of air pollution in 1994. In an area with 100 percent tree cover (such as contiguous forest stands within parks), trees can remove from the air as much as 15 percent of the ozone, 14 percent of the sulfur dioxide, 13

283
percent of the particulate matter, 8 percent of the nitrogen dioxide, and 0.05 percent of the carbon monoxide.⁷³

Trees and the soil under them also act as natural filters for water pollution. Their leaves, trunks, roots, and associated soil remove polluted particulate matter from the water before it reaches storm sewers. Trees also absorb nutrients created by human activity, such as nitrogen, phosphorus, and potassium, which otherwise pollute streams and lakes.⁷⁴

Trees also act as natural air conditioners to help keep cities cooler, mitigating the effects of concrete and glass that can turn cities into ovens under the summer sun. The evaporation from a single large tree can produce the cooling effect of ten room-size air conditioners operating 24 hours a day.⁷⁵

Controlling Stormwater Runoff

Trees more effectively and less expensively manage the flow of stormwater runoff than do concrete sewers and drainage ditches. Runoff problems occur because cities are covered with impervious surfaces such as roads, sidewalks, parking lots, and rooftops, which prevent water from soaking into the ground. Trees intercept rainfall, and unpaved areas absorb water, slowing the rate at which it reaches stormwater facilities. "By incorporating trees into a city's infrastructure, managers can build a smaller, less expensive stormwater management system," according to American Forests Urban Resource Center.⁷⁶

Garland, Texas, used an innovative method to encourage private-property owners to plant more trees. It mapped all the impervious surfaces in the city and then changed the formula for charging stormwater fees to property owners. Instead of tying the fee to property value or charging a flat fee, the city now bases the fee on the property's impervious surface and the volume of stormwater the property generates. An analysis showed that Garland's tree cover saves it from having to handle an additional 19 million cubic feet of stormwater. Building facilities to handle that stormwater would cost \$38 million.⁷⁷

American Forests (a conservation organization) estimates that trees in the nation's metropolitan areas save the cities \$400 billion in the cost of building stormwater retention facilities.⁷⁸ Yet natural tree cover has declined by as much as 30 percent in many cities over the last several decades.⁷⁹

Social Benefits of Parks

Among the most important benefits of city parks—though perhaps the hardest to quantify—is their role as community development tools. City parks make inner-city neighborhoods more livable; they offer recreational opportunities for at-risk youth, low-income children, and low-income families; and they provide places in low-income neighborhoods where people can

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experience a sense of community.

Reducing Crime

Access to public parks and recreational facilities has been strongly linked to reductions in crime and in particular to reduced juvenile delinquency.

Recreational facilities keep at-risk youth off the streets, give them a safe environment to interact with their peers, and fill up time within which they could otherwise get into trouble.⁸⁰

In Fort Myers, Florida, police documented a 28 percent drop in juvenile arrests after the city began the STARS (Success Through Academics and Recreational Support) Program in 1990. Fort Myers built a new recreation center in the heart of a low-income community to support STARS. Young people's school grades also improved significantly.⁸¹ Importantly, building parks costs a fraction of what it costs to build new prisons and increase police-force size.

Many communities have reported success with "midnight basketball" programs, keeping courts open late at night to give youths an alternative to finding trouble. Over a one-year period, Kansas City reported a 25 percent decrease in arrests of juveniles in areas where midnight basketball programs were offered. In Fort Worth, Texas, crime dropped 28 percent within a one-mile radius of community centers where midnight basketball was offered. In the areas around five other Fort Worth community centers where the programs were not offered, crime rose an average of 39 percent during the same period.⁸²

Research supports the widely held belief that community involvement in neighborhood parks is correlated with lower levels of crime. The Project on Human Development in Chicago Neighborhoods studied the impact of "collective efficacy," which it defined as "cohesion among neighborhood residents combined with shared expectations for informal social control of public space." The study found that "in neighborhoods where collective efficacy was strong, rates of violence were low, regardless of sociodemographic composition and the amount of disorder observed. Collective efficacy also appears to deter disorder: Where it was strong, observed levels of physical and social disorder were low."⁸³

Recreation Opportunities: The Importance of Play

For small children, playing is learning. Play has proved to be a critical element in a child's future success. Play helps kids develop muscle strength and coordination, language, cognitive thinking, and reasoning abilities.

"Research on the brain demonstrates that play is a scaffold for development, a vehicle for increasing neural structures, and a means by which all children practice skills they will need in later life," according to the Association for Childhood Education International.⁸⁴ Play also

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teaches children how to interact and cooperate with others, laying foundations for success in school and the working world.

Exercise has been shown to increase the brain's capacity for learning. In 1999, researchers at the Howard Hughes Medical Institute found that voluntary running boosts the growth of new nerve cells and improves learning and memory in adult mice. The new nerve cells were concentrated in a part of the brain called the hippocampus, which plays a central role in memory formation, including spatial learning-locating objects in the environment-and consciously recalling facts, episodes, and unique events.⁸⁵

TPL has been deeply involved in helping create recreational opportunities for children. Densely populated Lowell, Massachusetts, for example, has been chronically short of park space, and in the past had even paved over parks to build housing. Lowell's youth soccer league lacked a soccer field to play on, forcing it to travel to other cities to practice.

In 1994, the Lowell Parks and Conservation Trust turned to TPL for help. TPL arranged the purchase of a ten-acre former industrial site along the Merrimack River. The property, next to a working-class neighborhood, had been contaminated with petroleum hydrocarbons, semivolatile organic compounds, and polychlorinated biphenyls. After environmental mitigation, TPL helped turn the site into the Edwards Street Soccer Fields, which now gives local children critical opportunities for outdoor recreation.⁸⁶

Creating Stable Neighborhoods with Strong Community

Green spaces build community. Research shows that residents of neighborhoods with greenery in common spaces are more likely to enjoy stronger social ties than those who live surrounded by barren concrete.

A study by the University of Illinois and the University of Chicago found that for urban public housing residents, levels of vegetation in common spaces predicted the formation of neighborhood social ties. "In inner-city neighborhoods where common spaces are often barren no-man's lands, the presence of trees and grass supports common space use and informal social contact among neighbors," the study found. "In addition, vegetation and [neighborhood social ties] were significantly related to residents' senses of safety and adjustment."⁸⁷

These benefits often arise in the context of community gardens. A 2003 study conducted by the University of Missouri-St. Louis for the community development organization Gateway Greening found that St. Louis neighborhoods with community gardens were more stable than other neighborhoods. In a city that lost nearly 50,000 residents between 1990 and 2000, neighborhoods with gardens did relatively better, losing 6 percent of their population over the decade compared with 13 percent for the city as a whole.⁸⁸

The study also found that between 1990 and 2000, monthly rents for apartments immedi-

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ately around the gardens rose a median of \$91, compared with no change in the larger U.S. Census areas surrounding the gardens and a \$4 drop for St. Louis as a whole.⁸⁹

Advocates of community gardens say they increase residents' sense of community ownership and stewardship, provide a focus for neighborhood activities, expose inner-city youth to nature, connect people from diverse cultures, reduce crime by cleaning up vacant lots, and build community leaders.

"The garden can take credit for bringing the neighborhood together," says Annie Thompson in Park Slope, Brooklyn, speaking about the Garden of Union.⁹⁰

This is an area where more research is needed; the evidence of these social benefits is often anecdotal. It is also difficult to isolate the benefits of a community garden from the effects of economic, demographic, and other changes on a neighborhood.

TPL has been heavily involved in preserving community gardens in New York City. In 1998, the city announced a plan to auction off 114 of its more than 700 community gardens. TPL, working with other conservation groups, open space and garden coalitions, and individual gardeners, opposed the auction. Lawsuits, public pressure, and media attention brought the city to the negotiating table. The day before the auction, the city agreed to sell 63 gardens to TPL and the remainder to the nonprofit New York Restoration Project. All 114 gardens were spared.⁹¹

Conclusion

We at the Trust for Public Land call for a revival of the city parks movement of the late 19th century, a visionary era that produced great public spaces like New York's Central Park and San Francisco's Golden Gate Park. More than a century later, these bold and farsighted investments continue to pay dividends that enrich our lives.

While Yellowstone, Yosemite, and other wilderness parks are national treasures, Americans need more than once-a-year vacations in faraway national parks. We need parks near our homes, in the cities where 80 percent of Americans live, where we can enjoy them and benefit from them in our daily lives.

Those of us lucky enough to live near parks, open spaces, and greenways know the joys they bring: the calming views of trees and green lawns, the singing of birds, the fresh air, the scent of fallen pine needles.

Overwhelming evidence demonstrates the benefits of city parks. They improve our physical and psychological health, strengthen our communities, and make our cities and neighborhoods more attractive places to live and work.

But too few Americans are able to enjoy these benefits. The lack of places for regular exercise has contributed to America's epidemic of obesity among adults and children, an epidemic that will have dire consequences on both our health and our finances.

Building a basketball court is far cheaper than building a prison block. Yet because we have not invested in city parks, many children have nowhere to play outdoors [and may turn to crime]. A generation of children is growing up indoors, locked into a deadened life of television and video games, alienated from the natural world and its life-affirming benefits.

We call on Americans to join the effort to bring parks, open spaces, and greenways into the neighborhoods where all can benefit from them. While government plays a vital role in the creation of public parks, governments cannot do the job alone. Achieving this vision will depend on the planning and transactional skills of nonprofit groups like TPL; on the input of neighborhood groups and community leaders in designing the parks; and on the financial support and moral leadership of community-minded individuals and businesses.

Working together, we can help many more Americans experience the joys of jogging down a tree-lined path, of a family picnic on a sunny lawn, of sharing a community garden's proud harvest. We can create the green oases that offer refuge from the alienating city streets-places where we can rediscover our natural roots and reconnect with our souls.

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*A Report by The Trust for Public Land's
Center for City Park Excellence
For the Philadelphia Parks Alliance*

How Much Value Does the City of Philadelphia Receive from its Park and Recreation System?



THE TRUST *for* PUBLIC LAND
CONSERVING LAND FOR PEOPLE

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Philadelphia
PARKS ALLIANCE

Introduction from the Philadelphia Parks Alliance

"I want to make this Park the best in the country, bar none. To do that we must give it the resources it's been denied for years."

Mayor Michael Nutter
in his February 14, 2008 budget address

This report isn't really about parks. It's about cities and how to save them. If you care about cities, and the city of Philadelphia in particular, keep reading. You will see that Philadelphia's parks are an essential part of the city's economic and cultural infrastructure.

When it comes to urban investment, parks don't generally get the same consideration as highways, convention centers, and downtown office towers. But the research revealed here proves that parks are undervalued. Philadelphia's parks increase home values. They improve citizens' health. They fight pollution. They attract tourists.

Altogether, the research undertaken for the Philadelphia Parks Alliance by The Trust for Public Land shows that Philadelphia's parks provide the city and its residents with huge value: \$23 million in city revenue; \$16 million in municipal cost savings; \$729 million generated in wealth for residents; and \$1.1 billion in cost savings for citizens. That's billion with a "b." It's a very big number. And it's about 100 times the amount that the city spends on parks each year.

That's not a bad return on investment. And yet, the city has been under funding parks for years. Adjusted for inflation, Philadelphia's park budget is less than half of what it was twenty years ago. Put simply, the city has been missing a chance it must now seize.

Last year, the Philadelphia Parks Alliance sponsored a series of citizens' inspections of city parks. Virtually every park we looked at had serious problems: Vandalized playgrounds. Potholed ball fields. Weed-choked landscapes. Chronic under funding has left overworked park staff and dedicated neighborhood volunteers struggling to keep decay at bay.

But as the new mayor likes to say, it is a new day in Philadelphia. Philadelphia's park supporters have strong allies in City Hall. Mayor Michael Nutter and his fellow park supporters in City Council know that Philadelphia's extraordinary parks must be saved.

The Parks Alliance supports the financial improvements these leaders propose. But we also think that's just the beginning.

Just imagine...

In their present state, the city's parks generate \$18 million in added property tax revenue and \$689 million in increased equity for homeowners near parks. Improved parks could triple those numbers.

Imagine:

Philadelphia's parks already bring in \$40 million in tourist revenue. Picture how they might perform when fully equipped with functioning restrooms, water fountains, restored historic homes, repaired picnic tables and upgraded trails.

Imagine:

Philadelphians already save \$70 million in medical expenses by using parks. That number would rise if the city's parks were cleaner, safer, and stocked with amenities like bikes to rent and water ice to slurp.

Imagine:

Our more than 10,000 acres of parks, woods, riverbeds and open space already provide at least \$7 million worth of storm water and air pollution control each year. Every new tree fights asthma. Every new trail fights obesity. Every cleared streambed dries out a basement and unclogs a storm drain.

Imagine all this, and then imagine doing nothing. To us it is unimaginable. It makes no sense to leave such powerful tools of economic and community development unused.

The Philadelphia Parks Alliance is calling on the city to take three steps to fully and adequately fund the city's park network:

Mayor Nutter's proposed 5 year budget increase of 46% for Fairmount Park should be fully realized, beginning with a \$3 million increase for parks and trees in the coming year.

Work must begin now to identify, secure and leverage new and diverse funding streams for the park. State and federal environmental and recreational funds must be aggressively pursued. Creative collaborations with local and national foundations are essential. And revenue generated in the park must stay in the park.

Work must also begin on a detailed inventory of all park properties and facilities. Park officials estimate that at least \$30 million may be needed for annual operations, along with \$85 million for capital repairs, but too little is known about the precise condition of our park infrastructure. Any serious fundraising effort must be guided by a clear understanding of the problems at hand. This inventory should be completed by May 2009.

All of these goals will require both visionary leadership from the Mayor and City Council, and a commitment to accountability and transparency at every level of park management. It won't be easy to reverse generations of park neglect. But we believe it must be done.

To attract and retain residents and businesses in the 21st century, cities have no choice but to provide residents with the best possible quality of life. Parks provide hundreds of millions of dollars worth of help. Here in Philadelphia, it is high time we helped our parks.

The Philadelphia Parks Alliance is especially grateful to The Lenfest Foundation for giving parks this boost. Their grant enabled us to contract with the Trust for Public Land for this groundbreaking study.

How Much Value Does the City of Philadelphia Receive from its Park and Recreation System?

A Report by
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for the Philadelphia Parks Alliance

June 2008

THE
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Philadelphia
PARKS ALLIANCE

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CITY OF PHILADELPHIA

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MICHAEL A. NUTTER
Mayor

May 2008

Dear Citizens,

Philadelphians have long treasured our park and recreation system, encompassing more than 10,000 acres of trails, gardens, woodlands, rivers and streams, day camps, ballfields, golf courses, picnic areas, playgrounds, historic homes and environmental centers. While we have always believed in their value, this groundbreaking study quantifies it for the first time.

Commissioned by the Philadelphia Parks Alliance and funded by The Lenfest Foundation, this study conducted by the Trust for Public Land documents the tens of millions of dollars our parks and recreation system generates or saves the City and residents.

Our parks are an extraordinary regional and national treasure. The report makes the case for investing in them by documenting their value to the City, residents and visitors, and their impact on property values, tourism, stormwater management and air quality.

Philadelphia already has one of the best and biggest park systems in the nation. My goal as Mayor is to make it the best. This report puts the reasons why in dollars and cents.

I am grateful for the work and leadership of the Philadelphia Parks Alliance and its many supporters and allies who are at the forefront of the effort to revitalize our parks. Thank you to The Trust for Public Land's Center for City Park Excellence for studying our City and its parks.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael A. Nutter".

Michael A. Nutter
Mayor

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Note: The Numerical Calculators and Technical Attachments that underpin the financial analysis in this report are too voluminous to be included here. They are available upon request from the Center for City Park Excellence, or they are posted on the Internet at the following address: www.tpl.org/philaparkvalue

Executive Summary

The parks and park programs of Philadelphia – from the Fairmount Park system to the activities and facilities of the Philadelphia Recreation Department to the broad touristic reach of Independence National Historical Park – provide Philadelphians with so many joys and benefits that many residents would not want to live in the city without them.

Although the system was not created specifically as an economic development tool, there is a growing realization that the parks of Philadelphia are providing the city with hundreds of millions of dollars of value. This value, for the first time, is being defined. Not every aspect of a park system can be quantified – for instance, the mental health value of a walk in the woods has not yet been documented and is not counted here; and there is no agreed-upon methodology for valuing the carbon sequestration value of a city park—but seven major factors are enumerated—*clean air, clean water, tourism, direct use, health, property value and community cohesion*.

While the science of city park economics is in its infancy, the numbers reported here have been carefully considered and analyzed.¹

Two of the factors provided Philadelphia with *direct income*, to the city's treasury. The first is increased property tax due to the increase in property value of certain residences because of their proximity to parks. This came to \$18.1 million in fiscal year 2007. The second consists of sales tax receipts from tourism spending by out-of-towners who came to Philadelphia primarily because of its parks. This value came to \$5.2 million for the city of Philadelphia. (Additional tax revenue went to the state of Pennsylvania.)

Beyond the tax money, these factors also bolstered the *collective wealth* of Philadelphians—by \$688.8 million in total property value and by \$40.3 million in net income from tourists.

Three other factors provided Philadelphia residents with *direct savings*. By far the largest is via the human value of directly using the city's free parkland and recreation opportunities instead of having to purchase these items in the marketplace.

Estimated Annual Value of the Philadelphia Park and Recreation System Summary

Revenue Producing Factors for City Government

| | |
|------------------------------------------------------|--------------|
| Tax Receipts from Increased Property Value | \$18,129,000 |
| Tax Receipts from Increased Tourism Value | \$5,177,000 |
| Estimated Total, Municipal Revenue Producing Factors | \$23,306,000 |

Cost Saving Factors for City Government

| | |
|------------------------------------------------|--------------|
| Stormwater Management Value | \$5,949,000 |
| Air Pollution Mitigation Value | \$1,534,000 |
| Community Cohesion Value | \$8,600,000 |
| Estimated Total, Municipal Cost Saving Factors | \$16,083,000 |

Cost Saving Factors to Citizens

| | |
|----------------------------------------------|-----------------|
| Direct Use Value | \$1,076,303,000 |
| Health Value | \$69,419,000 |
| Estimated Total, Citizen Cost Saving Factors | \$1,145,722,000 |

Wealth Increasing Factors to Citizens

| | |
|--------------------------------------------|---------------|
| Property Value from Park Proximity | \$688,849,000 |
| Profit from Tourism | \$40,263,000 |
| Estimated Total, Wealth Increasing Factors | \$729,112,000 |

Center for City Park Excellence, The Trust for Public Land, June 2008

¹ While beyond the scope of this report, it bears mentioning that the city of Philadelphia—like all cities—would benefit greatly from investing in the gathering of more data regarding park land, facilities, spending and use, and well as property effects around parks.

This value came to \$1.1 billion in 2007. Second is the health benefit—savings in medical costs—due to the beneficial aspects of exercise in the parks. This came to \$69.4 million. And third is the community cohesion benefit of people banding together to save and improve their neighborhood parks. This “know-your-neighbor” social capital, while hard to tabulate, helps ward off all kinds of anti-social problems that would otherwise cost the city more in police, fire, prison, counseling and rehabilitation costs. This value came to \$8.6 million in 2007.

The last two factors also provided *savings*, but of the *environmental* sort. The larger involves water pollution reduction—the fact that the trees and soil of Philadelphia’s parks retain rainfall and thus cut the cost of treating stormwater. This value came to \$5.9 million in 2007. The other concerns air pollution—the fact that park trees and shrubs absorb a variety of air pollutants. This value came to \$1.5 million.

The park system of Philadelphia thus provided the city with revenue of \$23.3 million, municipal savings of \$16.1 million, resident savings of \$1.1 billion and a collective increase of resident wealth of \$729.1 million in 2007.

Background

Cities are economic entities. They are made up of structures entwined with open space. Successful communities have a sufficient number of private homes and commercial and retail establishments to house their inhabitants and give them places to produce and consume goods. Cities also have public buildings—libraries, hospitals, arenas, city halls—for culture, health and public discourse. They have linear corridors—streets and sidewalks—for transportation. And they have a range of other public spaces—parks, plazas, trails, sometimes natural, sometimes almost fully paved—for recreation, health provision, tourism, sunlight, rainwater retention, air pollution removal, natural beauty, and views.

In successful cities the equation works. Private and public spaces animate each other with the sum greatly surpassing the parts. In unsuccessful com-

munities, some aspect of the relationship is awry: production, retail or transportation may be inadequate; housing may be insufficient; or the public realm might be too small or too uninspiring.

Methodology

Based on a two-day colloquium of park experts and economists held in October, 2003 (see Appendix 2), the Center believes that there are seven attributes of Philadelphia’s park system that are measurable and that provide economic value to the city. (For a listing of studies done on these issues by participants in the colloquium as well as others, see Appendix 3.)

What follows is a description of each attribute and an estimate of the specific economic value it provides. The Calculators and the Attachments can be obtained from The Trust for Public Land, or they can be accessed on-line at this address: www.TPL.org/PhilaParkValue.

1. Removal of Air Pollution by Vegetation

Air pollution is a significant and expensive urban problem, injuring health and damaging structures. The human cardiovascular and respiratory systems are affected with broad consequences for health-care costs and productivity. In addition, acid deposition, smog and ozone increase the need to clean and repair buildings and other costly infrastructure.

Trees and shrubs have the ability to remove air pollutants such as nitrogen dioxide, sulfur dioxide,

Philadelphia Parkland

| Type of Cover | Acres | Percent |
|----------------|--------|---------|
| Tree Canopy | 5,580 | 54.0% |
| Other Pervious | 2,817 | 27.3% |
| Impervious | 1,380 | 13.4% |
| Water | 557 | 5.4% |
| Total | 10,334 | 100.0% |

Source: Mapping Sustainability, LLC, 2007

carbon monoxide, ozone and some particulate matter. Leaves absorb gases, and particulates adhere to the plant surface, at least temporarily. Thus, vegetation in city parks plays a role in improving air quality, helping urban residents avoid costs associated with pollution.

In order to quantify the contribution of park vegetation to air quality, an air pollution calculator was designed at the Northeast Research Station of the U.S. Forest Service in Syracuse, N.Y. to estimate pollution removal and value for urban trees. This program, which is based on the Urban Forest Effects (UFORE) model of the U.S. Forest Service (see Attachment I for technical details), is location-specific, taking into account the air pollution characteristics of a given city. (Thus, even if two cities have similar forest characteristics the park systems could nevertheless generate different results based on differences in ambient air quality.)

First, land cover information for all of a city's parks was obtained through analysis of aerial photography from the National Agricultural Imagery Program.² (While every city has street trees and numerous other trees on private property, this study measures only the economic value of trees on public parkland.) Of 10,334 acres of parkland, 54 percent was found to be covered with trees.

Then the pollutant flow through an area within a given time period (known as "pollutant flux") was calculated, taking into account the concentration of pollutants and the velocity of pollutant deposition. The resistance of the tree canopy to the air, the different behavior of different types of trees and other vegetation, and seasonal leaf variation are taken into account by the calculator.

The calculator uses hourly pollution concentration data from cities that was obtained from the U.S. EPA.³ The total pollutant flux was multiplied by tree-canopy coverage to estimate total pollutant removal by trees in the study area. The monetary value of pollution removal by trees is estimated using the median U.S. externality values for each pollutant. (The externality value refers to the amount it would otherwise cost to prevent a unit of that pollutant from entering the atmosphere.) For instance, the externality value of preventing the emission of a short ton of carbon monoxide is \$870; the externality value of the same amount of

sulfur dioxide is \$1500.

The result of the Air Quality Calculator for the park system of Philadelphia is an economic savings value of \$1,534,000. (For details see Calculator 1)

2. Reducing the Cost of Managing Urban Stormwater

Stormwater runoff is a significant problem in urban areas. When rainwater flows off roads, sidewalks and other impervious surfaces, it carries pollutants with it. In some cases (cities with systems which separate household sewage from street runoff) the rainwater flows directly into waterways, causing significant ecological problems. In other cases (cities with combined household and street systems), the rainwater runoff is treated at a pollution control facility before going into a waterway. However, if a storm is large, the great amount of runoff overwhelms the combined system and flows untreated into rivers and bays. Philadelphia has a hybrid system, with about 60 percent of the city served by combined pipes and 40 percent served by separated pipes.

Parkland reduces stormwater management costs by capturing precipitation and/or slowing its runoff. Large pervious (absorbent) surface areas in parks allow precipitation to infiltrate and recharge

Philadelphia Parkland Perviousness

| Type of Cover | Acres | Percent |
|---------------|--------|---------|
| Pervious | 8,397 | 81.3% |
| Impervious | 1,380 | 13.4% |
| Water | 557 | 5.4% |
| Total | 10,334 | 100.0% |

Source: Mapping Sustainability, 2007

City of Philadelphia Perviousness (without parkland and without surface water)

| Type of Cover | Acres | Percent |
|---------------|--------|---------|
| Pervious | 26,507 | 34.88% |
| Impervious | 49,486 | 65.12% |
| Total | 75,993 | 100% |

Source: Mapping Sustainability, 2007

² The aeriels were from the website: <http://maps.pasda.psu.edu/website/Imagery/Viewer/viewer.asp?tools=NAIP> The publication date is 2004 and the imagery was taken in June and August, 2004. The resolution is one meter.

³ The data is from 1994

the ground water. Also, vegetation in parks provides considerable surface area that intercepts and stores rainwater, allowing some to evaporate before it ever reaches the ground. Thus urban green spaces function like mini-storage reservoirs.

A model has been developed by the Western Research Station of the U.S. Forest Service in Davis, Calif., to estimate the value of retained stormwater runoff due to green space in the parks. (See Attachment 2 for technical details.) Inputs to the model consist of geographic location, climate region, surface permeability index, park size, land cover percentages, and types of vegetation. Because of numerous data challenges, the model has not been perfected yet and thus gives only a preliminary indication of value for the park system of the City of Philadelphia.

First, land cover data--trees, open grassy areas, impervious surface, etc.--was obtained through analysis of aerial photographs. This analysis reveals that the park system of Philadelphia is 81.3 percent pervious. The rest consists of impervious roads, trails, parking areas, buildings, hard courts, and also water surface. (While the model was developed with the sensitivity to distinguish between the different effects of such vegetation types as conifers, palms and shrubs, the sensitivity of the aerial photographs was not great enough to make that kind of determination.)

Second, the same photographs were analyzed for the amount of perviousness of the rest of the City of Philadelphia--in other words, the city without its parkland. It was determined that Philadelphia (without its parks and not counting surface water) is 34.9 percent pervious (32.7 percent pervious if surface water is counted). The pervious land consists primarily of residential front and backyards as well as private natural areas such

as cemeteries, university quadrangles and corporate campuses.

Third, the amount and characteristics of rainfall were calculated from U.S. weather data. Philadelphia receives an average of 43.29 inches of rain per year with the characteristic mid-Atlantic mix of drizzles, showers and downpours.

The model, which combines aspects of two other models developed by researchers with the U.S. Forest Service, uses hourly annual precipitation data from each study city to estimate annual runoff. Then, the reduction in runoff is calculated by comparing the modeled runoff with the runoff that would leave a hypothetical site of the same size but with land cover that is typical of surrounding urban development (i.e., with streets, rooftops, parking lots, etc.).

The final step in determining the economic value of a park system's contribution to clean water is calculating what it costs to manage stormwater using "hard infrastructure" (concrete pipes and holding tanks). This turns out to be a very difficult number to ascertain and is not known by the Philadelphia Water Department. The Department does know, however, that its annual budget for water treatment is approximately \$100 million. Thus, by knowing the amount of rainfall the city receives it is possible to make an educated guess about the cost of treatment. This comes out to be \$0.012 (1.2 cents) per cubic foot.

By plugging these rainfall, parkland, imperviousness and treatment cost factors into the formula, an annual Park Stormwater Retention Value of \$5,949,000 is obtained for Philadelphia. (For details see Calculator 2).

It should be noted that there is another possible methodology for determining stormwater savings due to parkland. Instead of looking at

Cost of Treating Stormwater in Philadelphia (per cubic foot)

| | |
|----------------------------------------------------|-----------------------|
| 1 Rainfall per acre per year | 164,984 cu. ft./acre |
| 2 Acres of impervious surface | 52,534 acres |
| 3 Rainfall on impervious surface (line 1 * line 2) | 8,667,269,456 cu. ft. |
| 4 Annual expenditure on water treatment | \$100,000,000 |
| COST PER CUBIC FOOT (LINE 4/LINE 3) | \$0.012 |



Parks have great environmental value in stormwater retention and reducing air pollution, as illustrated here with Pennypack Park.

annual rainfall and the annual operating costs for the system, we could look at the one-time capital costs associated with constructing the system to handle single large storms. This may be more relevant considering that the U.S. Environmental Protection Agency is tightening its regulations and requiring more construction for clean water. A rough estimate may put this cost as high as \$500 million (which would then be amortized over a 30-year period). We are presently seeking to analyze this different approach.

3. Hedonic (Property) Value

More than 30 studies have shown that parks and open space have a positive impact on nearby residential property values. (See Attachment 3 for technical details.) Other things being equal, most people are willing to pay more for a home close to a nice park. Economists call this phenomenon "hedonic value." (Hedonic value also comes into play with other amenities such as schools, libraries, police stations and transit stops. Theoretically, commercial office space also exhibits the hedonic principle; unfortunately, no study has yet been carried out to quantify it.) The property value added by a park,

incidentally, is separate from the direct use value gained; property value goes up even if the resident never goes into the park.

Hedonic value is affected primarily by two factors: distance from the park and the quality of the park itself. While proximate value ("nearby-ness") can be measured up to 2,000 feet from a large park, most of the value—whether the park is large or small—is within the first 500 feet. In the interest of being conservative we have limited our valuation to this shorter distance. Moreover, people's desire to live near a park depends on characteristics of the park. Beautiful natural resource parks with great trees, trails, meadows and gardens are markedly valuable. Other parks with excellent recreational facilities are also desirable (although sometimes the greatest property value is a block or two from the park rather than directly adjoining it, depending on issues of noise, lights and parking). However, less attractive or poorly maintained parks are only marginally valuable. And parks with dangerous or frightening aspects can reduce nearby property values.

Determining an accurate park-by-park, house-by-house property value for a city is technically feasible but it is prohibitively time-consuming and costly. Thus an extrapolative methodology was

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If Philadelphia Properties Were Assessed at Market Value...

| Assessed Value of all Residential Properties within 500 Feet of a Park | Average Factor by which Philadelphia Properties are Under-Assessed | "True" Value of all Residential Properties within 500 Feet of a Park | Portion of Value Due to Park Proximity Effect (5%) |
|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------|
| \$4,387,574,062 | 314% | \$13,776,982,555 | \$688,849,128 |

formulated to arrive at a reasonable estimate. Using computerized mapping technology known as GIS, all residential properties within 500 feet of every significant park and recreation area in Philadelphia were identified. ("Significant" was defined as one acre or more; "park" included every park in the city, even if owned by a county, state, federal or other agency.) According to records of the Board of Revision of Taxes, there are about 416,000 residential properties in the city of Philadelphia. (A residential property consists of a structure that is owned and taxed; thus, a single-family house is one property, a 100-unit apartment building is one property, and a 100-unit condominium building is 100 properties. There are actually over 660,000 dwelling units in Philadelphia, but some of them are contained within multi-family buildings.) Using GIS, we determined that there are 97,964 properties within 500 feet of the park and recreation land in the city. And these dwelling units in 2007 had a combined assessed value of \$4,387,574,062.

Unfortunately, because of data and methodology problems, it has not been possible thus far to determine which of Philadelphia's parks are "strongly positive," "slightly positive" and "negative" -- i.e., adding significant value, slight value or subtracting value to surrounding residences. We are continuing this line of research, but thus far -- despite interviews with park professionals, park users, realtors and assessors and after extensive analysis of crime data -- we have not been able to make justifiable judgments on park quality. While new methodologies are being tested, we have chosen to assign the conservative value of 5 percent as the amount that parkland adds to the assessed value of all dwellings within 500 feet of parks. (This number is an average of the high, medium and low values of 15 percent, 5 percent and negative 5 percent that will be used when park quality can

be established.) The result for 2006 was \$219.4 million in value due to park proximity.

We then used the residential property tax rate to determine how much extra tax revenue was raised by the city of Philadelphia based on the extra property value due to parks. Using a millage rate of \$82.64 per \$1,000 in assessed value, the result of the Property Value Calculator for the city of Philadelphia is \$18,129,000.⁴ (For details see Calculator 3).

We also performed an additional calculation. It is widely known that assessments in Philadelphia are unrealistic in comparison with actual sales prices. We were able to identify approximately 39,000 dwelling units in Philadelphia for which both a 2006 assessment and an actual sales price were recorded. By totaling all the assessments and all the sales prices, we determined that, on average, the true value of a residential property is 3.14 times (314 percent) its assessed value. Normalizing the citywide assessment of all properties within 500 feet of a park by 314 percent brought the market value to just under \$13.8 billion in 2006. The portion of that value due to the park proximity effect -- 5 percent -- was just under \$689 million in 2007. This is the amount that parks added to the aggregate "property wealth" of Philadelphians.

[Note: It is worth emphasizing that this hedonic estimate is conservative for three reasons. First, it does not include the effects of small parks (under an acre) although it is known that even minor green spaces have a property value effect. Second, it leaves out all the value of dwellings located between 500 feet and 2,000 feet from a park. Third, it does not include the potentially very significant property value for commercial offices located near downtown parks.]

⁴ Of this total 60 percent is allocated to the Philadelphia school system



Parks can significantly increase nearby property values, as evidenced in the real estate that surrounds Rittenhouse Square.

4. Direct Use Value

While city parks provide much indirect value, they also provide more tangible value through such activities as team sports, bicycling, skateboarding, walking, picnicking, bench-sitting and visiting a flower garden. Economists call these activities "direct uses." (See Attachment 4 for technical details.)

Most direct uses in city parks are free of charge, but economists can still calculate value by determining the consumer's "willingness to pay" for the recreation experience in the private marketplace. In other words, if parks were not available in Philadelphia, how much would the resident (or "consumer") pay for similar experiences in commercial facilities or venues? Thus, rather than income, the direct use value represents the amount of money residents save by not having to pay market rates to indulge in the many park activities they enjoy.

The model used to quantify the benefits received by direct users is based on the "Unit Day Value" method as documented in Water Resources Council recreation valuation procedures by the U.S. Army Corps of Engineers. The Unit Day Val-

ue model counts park visits by specific activity, with each activity assigned a dollar value. For example, playing in a playground is worth \$3.50 each time to each user. Running, walking or rollerblading on a park trail is worth \$4.00, as is playing a game of tennis on a city court. For activities for which a fee is charged, like golf or ice skating, only the "extra value" (if any) is assigned; i.e., if a round of golf costs \$20 on a public course and \$80 on a private course, the direct use value of the public course would be \$60. Under the theory that the second and third repetitions of a park use in a given period are slightly less valuable than the first use (i.e., the value to a child of visiting a playground the seventh time in a week is somewhat lower than the first), we further modified this model by building in an estimated sliding scale of diminishing returns for heavy park users. Thus, for example, playground value diminished from \$3.50 for the first time to \$1.93 for the seventh time in a week. We also estimated an average "season" for different park uses to take into account reduced participation rates in the off-season. (Although some people are active in parks 365 days a year, we chose to be conservative and to eliminate seasons where participation



Parks provide services that city residents would otherwise have to purchase on the open market, such as pools and spraygrounds like the one shown here.

rates drop to low levels.) Finally, for the few activities where a fee is charged—such as golf, ice skating and the use of fields for team sports—we subtracted the per-person fee from the imputed value.

The number of park visits and the activities engaged in were determined via a professionally conducted telephone survey of 600 Philadelphia residents. (The random-digit-dialed survey had an accuracy level of plus or minus 4 percent).

Residents were asked to answer for themselves; for those adults with children under the age of 18, a representative proportion were also asked to respond for one of their children. (Non-Philadelphia residents were not counted in this calculation; the value to the city of non-resident uses of parks is measured by the income to local residents from what these visitors spend on their trips. This is covered under income from out of town visitor spending.)

The result of the Direct Use Calculator for Philadelphia for the year 2007 is \$1,076,303,000. (For details see Calculator 4).

While it can be claimed that this very large number is not as “real” as the numbers for tax or tourism revenue, it nevertheless has true meaning.

Certainly, not all these park activities might take place if they had to be purchased. On the other hand, Philadelphians truly are getting pleasure and satisfaction—all \$1 billion worth—from their use of the parks. If they had to pay and if they consequently reduced some of this use, they would be materially “poorer” from not doing some of the things they enjoy.

5. Helping to Promote Human Health

Several studies have documented the large economic burden related to physical inactivity. (See *Attachment 5 for technical details*.) Lack of exercise is shown to contribute to obesity and its many effects, and experts call for a more active lifestyle. Recent research suggests that access to parks can help people increase their level of physical activity. The Parks Health Benefits Calculator measures the collective economic savings realized by city residents because of their use of parks for exercise.

The calculator was created by identifying the

common types of medical problems that are inversely related to physical activity, such as heart disease and diabetes. Based on studies that have been carried out in seven different states, a value of \$250 was assigned as the cost difference between those who exercise regularly and those who don't. For persons over the age of 65 that value was doubled to \$500 because seniors typically incur two or more times the medical care costs of younger adults.

The key data input for determining medical cost savings are the number of park users who are indulging in a sufficient amount of physical activity to make a difference. This is defined as "at least 30 minutes of moderate to vigorous activity at least three days per week." To determine this, we conducted telephone park use surveys of activities and of their frequency, dividing respondents by age. This telephone survey was, in fact, the same as the one carried out for direct use data (above), consisting of 600 respondents chosen through random-digit dialing, and had an accuracy rate of plus or minus four percent. In order to modify the results to serve the health benefits study, low-heart rate uses such as picnicking, sitting, strolling and bird watching were eliminated. Also, all respondents who engaged in strenuous activities less than three times per week were dropped as not being active enough for health benefit. Based on the survey and the computations, we found that about 255,000 Philadelphians engage actively enough in parks to improve their health--245,000 of them being under the age of 65, 10,000 of them above 65. The calculator makes one final computation, applying a small multiplier to reflect the differences in medical care costs between State of Pennsylvania and the U.S. as a whole.

The health savings due to park use for the residents of Philadelphia for the year 2007 is \$69,419,000. (*For details see Calculator 5*).

6. Income from Out-of-Town Park Visitor Spending (Tourists)

The amenities that encourage out-of-towners to visit a city include such features as cultural facilities, heritage places and parks as well as special

events that take place there, like festivals and sports contests. For instance, many out-of-towners participate in family reunions or the Walk for the Cure, or watch the Dad Vail Regatta. And of course, a huge tourist attraction is Independence National Park. Though not always recognized, parks play a major role in Philadelphia's tourism economy. (*See Attachment 6 for technical details*.)

To know the contribution of parks to the tourism economy requires knowledge of tourists' activities, the number of park visitors and their spending. Unfortunately, there is a severe shortage of data on park visitation and on the place of origin of park visitors. (By definition, local users are not tourists--any spending they do at or near the park is money not spent locally somewhere else, such as in their immediate neighborhood.) Future studies of park impact would be greatly aided by the collection of more data on this topic.

Two of the three principal park agencies in Philadelphia--Fairmount Park Commission and the Philadelphia Recreation Department--have virtually no information on out-of-town visitor activity and spending. Only the National Park Service, which operates Independence National Historic Park, monitors visitation rates, but it is not possible to extrapolate those numbers to the rest of the city. We thus sought visitation numbers and expenditures from other sources--the Greater Philadelphia Visitors and Convention Bureau and the Greater Philadelphia Tourism Marketing Corp. (GPTMC)--and then made educated guesses as to the percentage of trips that are entirely or substantially due to parks or a park. Based on research, we calculated that 41 percent of tourists visited a park while in Philadelphia. We also estimated that 20 percent of Philadelphia park visitors came because of the parks. (Although Fairmount Park and Department of Recreation land is also the site of museums, stadiums and The Zoo, our conservative methodology assures we did not count the tourists who came to Philadelphia for these reasons and merely happened to visit a park without planning to.)

Through these calculations we estimated that approximately 342,000 overnighters and 396,000 day visitors came to Philadelphia because of the city's parks (slightly more than eight percent of all tourism).



Parks bring people together, and are central contributors to the social capital of Philadelphia's neighborhoods.

As for visitor spending, we used data generated by GPTMC and modified it to match our visitor profiles. (For instance, GPTMC data covers "parties" rather than individuals and multi-day "visits" rather than days.) In any tourism study it is important to distinguish between suburban (day-trip) visitors and out-of-town (overnight) visitors, since lodging represents a large percentage of costs. This we did, yielding spending of \$75.4 million from park tourists staying overnight and \$39.6 million from park tourists coming just for the day. With an average tax rate on all tourist expenditures of approximately 4.5 percent,⁵ tax revenue to the city from park-based tourism in 2006 came to \$5,177,000. (For details, see Calculator 6).

In addition, since 35 percent of every tourist dollar is considered "profit" to the local economy (the rest of the income is merely pass-through to pay for expenses), the citizenry's collective increase in wealth from park-based tourism was \$40,263,000.

7. Stimulating Community Cohesion

Numerous studies have shown that the more webs of human relationships a neighborhood has, the stronger, safer and more successful it is. Any institution that promotes relationship building—whether a religious institution, a club, a political campaign, a co-op, a school—adds value to a neighborhood and, by extension, to the whole city. (See Attachment 7 for technical details.)

This human web, for which the term "social capital" was coined by Jane Jacobs, is strengthened in some communities by parks. From playgrounds to sports fields to park benches to chessboards to swimming pools to ice skating rinks to flower gardens, parks offer opportunities for people of all ages to communicate, compete, interact, learn and grow. Perhaps more significantly, the acts of improving, renewing or even saving a park can build extraordinary levels of social capital in a neighborhood that may well be suffering from fear and alienation partially due to the lack of safe public spaces.

While the economic value of social capital can-

⁵ This averages taxes paid by overnight visitors who stay in hotels with day-trippers who do not. The full sales and transient tax rate is higher than 4.5%, but 4.5% is the portion that goes to the city of Philadelphia rather than to other jurisdictions such as the state of Pennsylvania.

not be measured directly, it is possible to tally up a crude proxy—the amount of time and money that residents donate to their parks. Philadelphia has thousands of park volunteers who do everything from picking up trash and pulling weeds to planting flowers, raising playgrounds, teaching about the environment, educating public officials and contributing dollars to the cause.

To arrive at the proxy number, all the financial contributions made to “friends of parks” groups, community organizations, non-profits, corporations, foundations and The Fairmount Park Conservancy were tallied. Also added up were all the hours of volunteer time donated to park organizations; the hours were then multiplied by the value assigned to volunteerism in 2006—\$18.77—by the Washington, D.C.-based organization Independent Sector.

The result of the Social Capital Calculator for the city of Philadelphia for 2007 is \$8,600,000. (For details, see Calculator 7).

Conclusion

While reams of urban research have been carried out on the economics of housing, manufacturing, retail, and even the arts, there has been until now no comprehensive study of the worth of a city’s park system. The Trust for Public Land (TPL) believes that answering this question—“How much value does an excellent city park system bring to a city?”—can be profoundly helpful to

all the nation’s urban areas. For the first time parks can be assigned the kind of numerical underpinning long associated with transportation, trade, housing and other sectors. Urban analysts will be able to obtain a major piece of missing information about how cities work and how parks fit into the equation. Housing proponents and other urban constituencies will potentially be able to find a new ally in city park advocates. And mayors, city councils, and chambers of commerce may uncover the solid, numerical motivation to strategically acquire parkland in balance with community development projects.

Nowhere is this information more needed than in Philadelphia in 2008 as this great American city, with one of the country’s most venerable park systems, strives to redefine and remake itself as an outstanding 21st century metropolis.

Determining the economic value of a city park system is a science still in its infancy. Much research and analysis must be undertaken—and the city of Philadelphia itself, perhaps in conjunction with one of its universities, could help greatly by collecting more specific data about park usership, park tourism, adjacent property transactions, water runoff and retention, and other measures. In fact, every aspect of city parks—from design to management to programming to funding to marketing—would benefit from much deeper investigation and analysis. In that spirit, this study, one of the first of its kind ever published, is offered as a mechanism to begin a great conversation about the present and future role of parks within the life—and economy—of Philadelphia.

Appendix I - Acknowledgments

The report was commissioned by the Philadelphia Parks Alliance, Lauren Bornfriend, Executive Director. It was funded through a generous grant from The Lenfest Foundation of West Conshohocken, Pa.

The principal author was Peter Harnik, Director, Center for City Park Excellence, The Trust for Public Land, Washington, D.C. Principal researcher was Linda Keenan with assistance by Ben Welle. Major consultation on the underlying economic formulas for this study was provided by:

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Dan Styne, Ph.D., Dept of Park, Recreation and Tourism Resources, Michigan State University

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Appendix II

The following individuals took part in the Colloquium, "How Much Value Does a Park System Bring to a City," in October, 2003.

Susan Baird, *Denver Dept of Parks & Recreation, Denver, Colo.*
Kathy Blaha, *The Trust for Public Land, Washington D.C.*
Blaine Bonham, *Pennsylvania Horticultural Society, Philadelphia, Pa.*
Glenn Brill, *Ernst & Young, New York, N.Y.*
Valerie Burns, *Boston Natural Areas Network, Boston, Mass.*
Patrice Carroll, *Philadelphia Managing Director's Office, Philadelphia, Pa.*
Donald Colvin, *Indianapolis Dept of Parks and Recreation, Indianapolis, Ind.*
Ernest Cook, *The Trust for Public Land, Boston, Mass.*
John Crompton, *Texas A&M University, College Station, Tex.*
Dick Dadey, *City Parks Alliance, New York, N.Y.*
Nancy Goldenberg, *Philadelphia Center City Partners, Philadelphia, Pa.*
Peter Harnik, *The Trust for Public Land, Washington, D.C.*
Nancy Kafka, *The Trust for Public Land, Boston, Mass.*
Alastair McFarlane, *U.S. Dept of Housing & Urban Development, Washington, D.C.*
Ken Meter, *Crossroads Resource Center, Minneapolis, Minn.*
Sarah Nicholls, *Michigan State University, E. Lansing, Mich.*
Joan Reilly, *Pennsylvania Horticultural Society, Philadelphia, Pa.*
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Guijing Wang, *Centers for Disease Control, Atlanta, Ga.*
Richard Weisskoff, *Everglades Economics Group, N. Miami, Fla.*
Wayne Weston, *Mecklenburg Parks and Recreation Dept., Charlotte, N.C.*
Jennifer Wolch, *University of Southern California, Los Angeles, Calif.*
Kathleen Wolf, *University of Washington, Seattle, Wash.*
Matt Zieper, *The Trust for Public Land, Boston, Mass.*

Appendix III

Resources Related to the Economic Value of Parks

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Common Council

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February 15, 2011

To: All City of Buffalo Common Council Members

Attn: Common Council Member Michael P. Kearns
Chairman, Common Council Finance Committee

Reference: CCP # 91/44B dated January 25, 2011

Resolution: A Review of City Hall Security

Status: currently tabled in the Finance Committee

In response to questions raised and the comments made by several Common Council Members at the Tuesday, February 1 and February 15, 2011 meetings of the Common Council Finance Committee concerning the resolution referenced above, we hereby bring to your attention, two Civil Service Job Specifications that were provided by the City of Buffalo Department of Human Resources pursuant to our request:

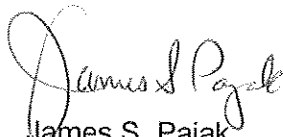
Security Officer
Laborer I

During the course of our work, we also identified the following Job Specification as listed on the New York State Department of Civil Service Website:

Security Services Assistant 1

Accordingly, we are enclosing copies of the job specifications cited above for your review.

Respectfully submitted,


James S. Pajak

Common Council Chief of Staff

REFERRED TO THE COMMITTEE
ON FINANCE.

Encl:as

DISTINGUISHING FEATURES OF THE CLASS

An incumbent to a position in this class will be responsible for the security of school property, safety of students, school personnel and assist in the maintenance of order. Patrols school buildings, areas around the school and at school functions in order to bring any problems under control. This position differs from that of Guard in that the Security Officer will have the power of arrest. The incumbent will be semi-uniformed and wear a pocket emblem for identification instead of a shield. Security Officers will not be trained in the use of firearms or carry weapons. They will be called upon to use good judgment and have a high degree of tact in their contacts with students. Immediate supervision is received from the Director of Security.

TYPICAL WORK ACTIVITIES

Maintains order in and around school buildings including lavatories and cafeterias;
Reports irregularities to the School Principal and/or Director of Security;
Disperses groups of individuals congregating on or at school property;
Assists the principal with the orderly movement of pupils within the building;
Removes unauthorized visitors from school premises;
Assists in the apprehension of violators of laws or school department regulations on school property;
- may seize and secure illegal or unauthorized contraband brought into the building;
Assists in the detection of problems or potential problem areas through effective communication channels with pupils, community residents and businesses;
Keeps the principal constantly advised of means of establishing effective security measures in the building;
Develops methods to prevent intrusion within a school building by outside gangs;
Attempts to resolve less serious acts of misconduct without resorting to arrest;
Investigates incidents within the school and submits reports to School Principal, Director of Security and Police when required;
Makes arrests and appears in court in the prosecution of offenders;
May be required to testify in disciplinary hearings;
May be required to drive department automobile, chauffeuring the Superintendent, School Board members or other officials to meetings/school, etc.;
Performs related work as required.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS

Working knowledge of investigator techniques;
Ability to use good judgment and attitudes in dealing with the public and in situations involving student safety and building security;
Ability to prepare, understand and interpret written material;
Ability to reason clearly and make sound judgments;
Ability to present ideas clearly and effectively;
Ability to establish and maintain satisfactory relationships with others;
Tact, courtesy, strength and agility;
Physical condition commensurate with the demands of the position.

SECURITY OFFICER #2292 (cont'd.)

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MINIMUM QUALIFICATIONS

Graduation from High School, GED or Equivalency Diploma and **six months** of full time experience as a security guard;

OR

Graduation from High School, GED or Equivalency Diploma including or supplemented by 15 credit hours from an accredited college or university in Criminal Justice, Police Science or Law Enforcement; (transcript must be presented at time of filing application)

SPECIAL REQUIREMENTS

1. Applicants must possess a valid NYS Driver's License which must be presented at time of appointment and maintained during employment.
2. Applicants must possess a valid NYS Security Guard Registration Card which must be presented at time of appointment and maintained during employment.
3. Upon appointment, applicants will be required to participate in a 16 hour on-the-job training course (or comparable) as prescribed by the NYS Security Guard Act and the Buffalo School District.
4. Employees will be required to participate in an 8 hour Annual In-Service Training Course and must maintain a valid Security Guard Registration Card throughout employment with the Buffalo School District.

Note: Verifiable part-time experience will be pro-rated to meet full-time experience requirements.

Proof of education must be presented at time of appointment.

ADOPTED: 12/8/71

REVISED 7/73; 4/80; 10/85; 5/92; 7/15/92; 10/14/92; 3/9/04; 6/22/09 11/10/09

REVIEWED: 5/30/07

**Department of Human Resources, Civil Service Administration, Room 1001 City Hall,
Buffalo, NY 14202**

DISTINGUISHING FEATURES OF THE CLASS

This is an entry-level position where incumbents perform routine unskilled manual work. At times, the duties of this position may allow a Laborer I to work independently, however, the completed work is inspected by the immediate supervisor. Incumbents receive immediate direction from a supervisor and many of the duties are repetitive in nature. A Laborer I has no supervisory responsibilities.

TYPICAL WORK ACTIVITIES

Incumbents will be required to perform any tasks of an unskilled nature as deemed necessary by departments/divisions/agencies in city service:

May perform routine building cleaning duties including but not limited to the following:

- sweeping, mopping, polishing and washing of floors, walls and windows;

- may clean and disinfect lavatories and replenish supplies;

May perform a variety of routine and special custodial and janitorial tasks;

May perform minor maintenance and repair work on buildings and equipment;

May clean ash tunnels and hoppers;

- removes ashes from ash pits;

- keeps boiler hoppers supplied with coal;

- may fire low pressure boilers;

May assist in the maintenance of city parks, playgrounds and greenhouses;

May mow lawns and trim shrubbery;

- gathers rubbish and keeps grounds in neat and orderly condition;

- may shovel snow;

May maintain watch over buildings and property;

- makes periodic rounds inside and outside of buildings, checking all entrances, windows, doors, lights, restrooms, fire hazards, stair wells, etc.;

May safeguard vehicles and contents when held in auto pound;

May tend lift bridges notifying of approaching waterway traffic, which involves the operation of traffic signals and barriers to hold approaching vehicles and pedestrians;

May descend into sewer via manhole and assists in general maintenance and cleaning;

May operate a passenger or freight elevator;

May answer inquiries regarding offices and personnel;

- may direct visitors to points of interest;

May service automotive equipment by gassing, oiling and checking tires and checking various fluid levels in city owned vehicles;

May maintain gas pump area to insure cleanliness and safety;

May be required to work in stockroom issuing materials and supplies;

- may, under direction, requisition supplies;

May receive, accept and sign for all deliveries;

- checks incoming orders against items listed on requisitions/invoices counting, grading or weighing the articles;

May assist in the unloading and loading of materials;

May assist in placing materials and supplies in bins/on shelves in various stockrooms;

311

Laborer I #9621 (Cont'd)

Typical Work Activities continued

May render first aid in the treatment of minor injuries and ailments;
May perform a variety of laboring duties in the maintenance or repair of city streets, curbs and sidewalks;
May be required to operate a light pick-up truck, automobile or other light motorized equipment;
-pickup/deliver various parts, materials and supplies, invoices and other forms to any city garages, repair shops, parts stores, etc.;
Performs general labor and custodial work in and around city owned buildings including the removal of trash from buildings or apartments;
May be required to prepare various reports as requested;
May be required to maintain various records;
Performs general building and grounds cleaning tasks as required.

FULL PERFORMANCE KNOWLEDGES, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS

Ability to follow oral and written instructions;
Ability to use common hand tools;
Ability to learn techniques and procedures used in building cleaning and maintenance;
Ability to report incidents accurately; Ability to prepare simple reports;
Ability to learn the operation of freight or passenger elevator;
Ability to think and act quickly;
Ability to get along well with others;
Willingness to perform routine custodial and janitorial tasks;
Willingness to work under all weather conditions;
Mechanical aptitude;
Physical endurance;
Strength; Agility;
Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS

Ability to learn the practices and procedures involved in the areas of unskilled labor such as maintenance or guarding of buildings, grounds, streets, bridges, restrooms, parks or playgrounds.

SPECIAL REQUIREMENT

Possession of a current NYS Drivers License may be required for employment in certain departments.

ADOPTED: 2/28/80

REVISED: 2/24/82; 7/28/93;

REVIEWED:

(Non Competitive 4/5/84)

Buffalo Civil Service Commission, 1001 City Hall, Buffalo, NY 14202



NEW YORK STATE
Department of Civil Service Announces
Examination Open to All Qualified Individuals

Written Test To Be Held

FEBRUARY 7, 2004

Applications MUST Be

Postmarked

No Later Than

JANUARY 5, 2004

This is an Archived Announcement.
 The application filing date has passed.

| Examination Number and Title | | Salary Grade | Salary | Non-Refundable Processing Fee |
|------------------------------|-------------------------------|--------------|----------|-------------------------------|
| 24-255 | SECURITY SERVICES ASSISTANT 1 | 6 | \$21,929 | \$15 |

Appointees in the New York City area (Bronx, Kings, Nassau, New York, Queens, Richmond [Staten Island], Rockland, Suffolk and Westchester Counties) will receive an additional \$1,200 annual location pay differential/downstate adjustment.

MINIMUM QUALIFICATIONS: On or before February 7, 2004, you must have a current Security Guard Photo ID issued by the New York State Department of State. You must put your Security Guard Photo ID number AND the date that it expires on the inside of your application or enclose a copy of your Security Guard Photo ID. No experience is necessary.

IF YOU DO NOT HAVE AND MAINTAIN A CURRENT NYS SECURITY GUARD PHOTO ID, YOU DO NOT QUALIFY FOR THIS EXAMINATION OR FOR APPOINTMENT FROM THE RESULTING ELIGIBLE LIST. If you wish to get a Security Guard Photo ID, follow the instructions on the back of this announcement. Note, even if you have completed the pre assignment training course, this process will likely take between one to three months. Do NOT send any training certifications.

NOTES:

1. **Security Guard Photo ID:** Continued employment as a Security Services Assistant 1 is dependent upon maintaining a current security guard photo ID issued by the NYS Department of State. Failure to maintain this ID will result in removal from employment.
2. As noted in the DUTIES statement, most of the agencies require you to drive a motor vehicle. If you are appointed to one of these positions, you must possess a valid license to operate a motor

vehicle in New York State at the time of appointment and continuously thereafter or otherwise demonstrate your ability to meet the transportation needs of the job.

3. **Physical/Medical Requirements:** The physical and medical standards for this title are currently under review. As a result of that review your physical and/or medical condition may be evaluated prior to your appointment to ensure that you are able to satisfactorily perform the duties of this position with or without reasonable accommodation. The physical/medical standards may include a physical fitness test; a medical standards evaluation; and a substance abuse screening. A medical examination may be required before appointment, and you would be responsible for the clinical laboratory test fee.
4. **Background Investigation:** Because of the nature of the position there is an investigative screening that may include a thorough character investigation. All convictions must be reported. Conviction of a felony or misdemeanor or any falsified or omitted information may bar appointment or result in removal after appointment. Each case is determined on its own merits and consistent with the applicable provisions of State and federal laws.
5. New York State residence is not required.

THE POSITIONS: These positions exist at various locations around the state in the State University system, the Education Department, Workers' Compensation Board, the Office of General Services and the NYS Veteran's Home at Oxford. The largest number of positions and vacancies are in the State University System at Brooklyn, Albany and Stony Brook.

DUTIES: As a **Security Services Assistant 1**, you would enforce building regulations, maintain order, and direct visitors in State facilities, provide foot patrols of facilities and their environs, control access to buildings and offices, assist the sick or injured, or persons with disabilities, submit accident, incident and daily activity reports, and secure windows and doors. You would maintain a roster of persons entering or leaving the buildings during prescribed hours, monitor and maintain building access and security equipment, examine building exteriors for vandalism or intruders, report building deficiencies, inspect and service fire fighting equipment, assist in building evacuation and notify the police when appropriate. You may be required to accept mail delivered by courier. You must be able to stand and/or walk for long periods of time and be able to climb stairs. Appointees may be required to work various shifts, as well as unscheduled and mandatory overtime when necessary. In the Office of General Services, you may be required to operate an elevator. At most agencies you will be required to drive a motor vehicle, and for these agencies you must possess a valid license to operate a motor vehicle in New York State at the time of appointment and continuously thereafter.

SUBJECT OF EXAMINATION: There will be a **written test** which you must pass in order to be considered for appointment. The **written test** is designed to test for knowledge, skills and/or abilities in such areas as:

1. **Applying written information in a safety and security setting** – These questions are designed to evaluate the candidates' ability to read, interpret and apply rules, regulations, directives, written narratives and other related material. The candidates are required to read a set of information, and to appropriately apply the information to situations similar to those typically experienced in a public safety and security service setting. All information needed to answer the questions is contained in the rules, regulations, etc. which are cited.
2. **Following directions (maps)** – These questions test your ability to follow physical/geographic directions using street maps or building maps. You will have to read and understand a set of directions, then use them on a simple map.
3. **Preparing written material** – These questions test for the ability to present information clearly and accurately and to organize paragraphs logically and comprehensibly. For some questions, you will be given information in two or three sentences followed by four restatements of the

information. You must then choose the best version. For other questions, you will be given paragraphs with their sentences out of order and then asked to choose from four suggestions the best order for the sentences. 213

4. **Understanding and interpreting written material** – These questions test how well you comprehend written material. You will be provided with brief reading selections and will be asked questions about the selections. All the information required to answer the questions will be presented in the selections; you will not be required to have any special knowledge relating to the subject areas of the selections.

Your final score must be 70 or higher in order to pass. Rank on the eligible list will be determined after adding any wartime veterans and Civil Service Law Section 85-a credits to your final passing score.

To Request a Security Guard Photo ID Registration Application Packet, call (518) 474-7569, or write to: NYS Department of State, Division of Licensing Services, 84 Holland Avenue, Albany, New York 12208.

The **qualifications** for a Security Guard Photo ID include that you are at least 18 years of age, have completed an 8 hour pre-assignment training course*, not have been convicted of a serious offense, are of good moral character and fitness, and not have been discharged from a correction/law enforcement agency for incompetence or misconduct.

The Security Guard Photo ID Registration Application Packet from the NYS Department of State includes an application, a Division of Criminal Justice Services' fingerprint card, and instructions. You are required to enclose a non-refundable application fee of \$36 payable to the New York State Department of State, a \$75 fingerprint processing fee, and the original 8-hour pre-assignment course completion certificate*. Once you have completed and enclosed all the forms and fees as instruction, **the Security Guard Photo ID Registration Application Packet should be returned to the NYS Department of State** at the above address.

* For information on locations of approved schools for the pre-assignment training course, you must contact the Division of Criminal Justice Services at (518) 457-4135.

(Applications and correspondence for the Security Services Assistant examination should be sent only to the
NYS Department of Civil Service, NOT to the NYS Department of State.)

INFORMATION FOR CANDIDATES

| |
|------------------------------------------------------------------------------|
| This is an Archived Announcement. The application filing date has passed. |
|------------------------------------------------------------------------------|

ADMISSION TO EXAMINATION: Notice to appear for the test may be conditional as review of applications may not be made until after the test. If you have not received your notice to appear for the written test three days before the date of the test, call (518) 457 5483 if taking the test in Albany; (518) 457-6556 for New York City Test Center; (518) 457 7022 for all other Test Centers.

NEW YORK STATE IS AN EQUAL OPPORTUNITY EMPLOYER: It is the policy of the State of New York to provide for and promote equal opportunity in employment, compensation and other terms and conditions of employment without discrimination on the basis of age, race, color, religion, disability, national origin, gender, sexual

orientation, marital status, or arrest and/or criminal conviction record unless based upon a bona fide occupational qualification or other exception.

RELIGIOUS ACCOMMODATION: Most written tests are held on Saturdays. If you cannot take the test on the announced test date, due to a conflict with a religious observance or practice, check the box under "Religious Accommodation." We will make arrangements for you to take the test on a different date (usually the following day).

REASONABLE ACCOMMODATIONS IN TESTING: In addition, it is the policy of the Department of Civil Service, in accordance with the Americans with Disabilities Act, to provide qualified persons with disabilities equal employment opportunity and equal opportunity to participate in and receive the benefits, services, programs, and activities of the Department. It is the policy of the Department to provide such persons reasonable accommodations and reasonable modifications as are necessary to enjoy equal opportunity. Persons with disabilities who require an accommodation to participate in an examination must note this on their applications. Further information is available from the Special Arrangements Unit of the Department of Civil Service at (518) 457-3416 or TDD (telecommunications device for the deaf) (518) 457-8480.

MULTIPLE EXAMINATIONS SCHEDULED FOR THE SAME DAY: With the exception of written tests announced by New York City, if you have applied to take a written test announced by a local jurisdiction (county, town, city) scheduled to be held on the same test date as this written test, you must call (518) 457-7022 no later than two weeks before the test date to make arrangements for taking all tests at one test site. All tests will be held at the State examination center.

S4/TC1 SDW-map
Issued: 11/21/03

This announcement is subject to amendment or cancellation without notice.
Do not copy it, or post it to any other site, but link to it instead.

This is an Archived Announcement.
The application filing date has passed.

2011 FEB 16 AM 9:16
FILED
CITY CLERK

314

PETITIONS

00041

3/5

W. Zografos, Agent, Use 2021 Main St for a L-Shaped Ground Sign
(hrq 3/1)(Mas)

REFERRED TO THE COMMITTEE ON LEGISLATION, THE CITY PLANNING
BOARD AND THE ZONING BOARD OF APPEALS

40

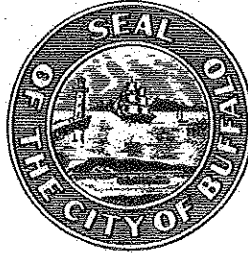
OFFICE OF THE CITY CLERK

316

GERALD A. CHWALINSKI
City Clerk
Registrar of Vital Statistics

WILMER OLIVENCIA, JR.
Deputy City Clerk

DIANA RICO
Deputy City Clerk Vital Statistics
Deputy Registrar of Vital Statistics



65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

This is to acknowledge that I have been informed as to the time and place
For the public hearing regarding:

2021 MAIN St. L-Shape Ground Sign

To be held in the Council Chamber, 13th Floor, City Hall On:

3-1-11 at 2:00 PM

I am also informed that this is the only notice that the petitioner and or owner
will receive, and that if I am not the owner or petitioner, I will inform said
owner, petitioner or his/her agent of the above.

Signed [Signature] (Agent/Owner)

Print Name WILLIAM ZOSKAFS Phone # 774-3272

Date 2/10/11

ATTENTION

PLEASE ALSO CONTACT BILL GRILLO PRINCIPAL PLANNER,
851-5086 FOR PLANNING BOARD MEETING.

2-22-11 Common Council
3-1-11 Public Hrg 2pm, Planning Bd
3-8-11 Approval 8:15

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

SIGNS Building Application

3/1

Report Date 02/10/2011 03:47 PM

Submitted By DAVID KRUG

Page 1

A/P # 164184

Application Information

Stages

| | Date / Time | By | | Date / Time | By |
|-----------|------------------|-------|----------|-------------|----|
| Processed | 02/03/2011 11:21 | DIGEF | Temp COO | | |
| Issued | | | COO | | |
| Final | | | Expires | | |

Associated Information

| | | |
|--------------------------------------------------|------------|---|
| Type of Work | # Plans | 0 |
| Dept of Commerce | # Pages | 0 |
| Priority | Bill Group | |
| Square Footage | 0.00 | |
| <input checked="" type="checkbox"/> Auto Reviews | Name | |

Valuation

| | |
|----------------------|-----------|
| Declared Valuation | 148000.00 |
| Calculated Valuation | 0.00 |
| Actual Valuation | 0.00 |

Description of Work

ZBA APPROVAL 511-12/SURVEY/PLANS/CITY WIDE SITE PLAN APPROVAL/COMMON COUNCIL APPROVAL (PUBLIC HEARING) REQUIRED TO
ERECT A 26'X16'X4'L-SHAPED GROUND SIGN IN AN R-2 ZONING DISTRICT FOR CANISIUS COLLEGE GATEWAY.

Parent A/P

| Project # | Project/Phase Name | Phase # |
|-----------|--------------------|---------|
| Size/Area | Size Description | |

Property/Site Information

Address 2021 MAIN
BUFFALO NY 14208-

Location

Owner/Tenant

| | | | | |
|------------------------------|------|-----------------------------|---------------------------|----------------------------------|
| Contact ID AC281165 | Name | BUFFALO | Organization | |
| Mailing Address 2001 MAIN ST | | | State/Province NY | |
| City BUFFALO | | | Country USA | <input type="checkbox"/> Foreign |
| ZIP/PC 14208 | | | Evening Phone | |
| Day Phone | | | Mobile # | |
| Fax | | | Owner Y | From 10/12/1993 To |
| Occupant N | From | To | | |
| Contact ID AC218594 | Name | CANISIUS COLLEGE OF | Organization | |
| Mailing Address 2001 MAIN ST | | | State/Province NY | |
| City BUFFALO | | | Country USA | <input type="checkbox"/> Foreign |
| ZIP/PC 14208 | | | Evening Phone | |
| Day Phone | | | Mobile # | |
| Fax | | | Owner Y | From 10/12/1993 To |
| Occupant N | From | To | | |
| Contact ID AC1227982 | Name | BUFFALO CANISIUS COLLEGE OF | Organization | |
| Mailing Address | | | State/Province BUFFALO NY | |
| City 2001 MAIN ST | | | Country | <input type="checkbox"/> Foreign |
| ZIP/PC 14208 | | | Evening Phone | |
| Day Phone | | | Mobile # | |
| Fax | | | Owner Y | From 02/22/2005 To 05/06/2007 |
| Occupant N | From | To | | |

1308

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

SIGNS Building Application

Report Date 02/10/2011 03:47 PM

Submitted By DAVID KRUG

Page 2

Owner/Tenant

| | | | |
|------------------------------|-------------------|----------------------------------|---------------|
| Contact ID AC30507 | Name | BUFFALO CANISIUS COLLEGE OF | |
| Mailing Address 2001 MAIN ST | Organization | | |
| City BUFFALO | State/Province NY | | |
| ZIP/PC 14208 | Country USA | <input type="checkbox"/> Foreign | |
| Day Phone | Evening Phone | | |
| Fax | Mobile # | | |
| Occupant N | From | To | |
| | Owner Y | From 05/28/2000 | To 05/06/2007 |

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

0896600004001000

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

| | | | |
|----------------------------------------------------------------------------|---------------|-----------|-------------------------------------|
| Primary Y | Capacity Type | | |
| Effective | Expire | | |
| Contact ID TBB | Name | TO BE BID | |
| Phone (716)851-4924 x | Fax | Address | 301 CITY HALL BUFFALO, NY 14202- |
| Comments | | | |
| ARCH/APPLICANT CANNON DESIGN: BILL ZOGRAFOS 774-3272 BILL GREELEY 774-3482 | | | |

| License # | Type | Contact ID | Name |
|-----------|------|------------|-----------|
| 999999 | HIM | AC125720 | TO BE BID |

Item Description

Item Status

| | |
|--------------------------------------------------|-----------------------------|
| Check Fees | Fees Failed |
| APPLICATION FEE (PLANS) (\$25.00) | Unpaid |
| ZONING BOARD FEE (\$75.00) | Unpaid |
| FLAT FEE GROUND SIGN @ COMMERCIAL SITE (\$75.00) | Unpaid |
| Check Inspections | Inspections Successful |
| Check Reviews | Reviews Failed |
| 540753 CC APP COMMON COUNCIL APPROVAL REQ'D | Incomplete |
| 540734 CITY WIDE CITY WIDE SITE PLAN APPROVAL | Incomplete |
| 540735 PLAN REV - REVIEW REQUIRED | Incomplete |
| 540737 ZONVARI ZONING BOARD VARIANCE REQUIRED | Incomplete |
| Check Conditions | Conditions Successful |
| Check Alert Conditions | Alert Conditions Successful |
| Check Licenses | Not Checked |
| Check Children Status | Children Successful |
| Check Open Cases | 0 |

| Fees | Status | Paid Date | Amount |
|----------------------------------------|--------|-----------|--------|
| APPLICATION FEE (PLANS) | U | | 25.00 |
| FLAT FEE GROUND SIGN @ COMMERCIAL SITE | U | | 75.00 |

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Report Date 02/10/2011 03:47 PM

Submitted By DAVID KRUG

Page 3

| Fees | Status | Paid Date | Amount |
|------------------|--------|-----------|-----------------|
| ZONING BOARD FEE | A | | 75.00 |
| Total Unpaid | | 175.00 | Total Paid 0.00 |

| Review Activities | Act # | Act Type | Status | Waived | Issued | Started | Completed |
|-------------------|-----------|----------|--------|--------|------------------|---------|-----------|
| Comp By | | Comments | | | | | |
| 540753 | CC APP | | 0 | N | | | |
| 540734 | CITY WIDE | | 0 | N | 02/03/2011 11:21 | | |
| 540735 | PLAN REV | | 0 | N | 02/03/2011 11:21 | | |
| 540737 | ZONVARI | | 0 | N | | | |

Activity Review Details

Detail 1. PRIOR REQUIRED APPROVALS

Modified By DIGEF

Modified Date/Time 02/03/2011 11:20

Comments

No Comments

PRIOR APPROVALS

Bflo Arts Commission

- ☐ Arts Comm. Approval
☐ Special events

City Engineering

- ☐ Curb Cuts
☐ Encroachment
☐ Oversize Trucking
☐ Plumbers' Cuts
☐ Street Cuts

City Planning

- ☒ Citywide Site Plan
☐ Subdivisions
☐ Urban Renewal

City Survey

- ☐ Address Permit
☐ Development
☐ Flood Plain

City Survey (con't)

- ☐ Subdivisions
Common Council
☐ Admin Office/Apts R4
☐ Beauty Parlor R2
☐ Canopy/Marquee ROW
☐ Freestanding Sign
☐ Human Service Facility
☐ Portable Sign in ROW
☐ Restricted Use Permit
☐ Other

Environmental Review

- ☐ S.E.Q.R.A.
☐ N.E.P.A.

Law Office

- ☐ Insurances Check
☐ Title Held

Permit Office

- ☐ Asbestos Survey
☐ Bond/Certified check
☐ First Insurances Check
☐ Notarized Permission/
Lease showing Use
☐ Rodent/Vermin Bait
☐ Sewer/Water Cut
☐ Simple Demolition
☐ Simple Plan Approval
☐ Zoning/Use Check

Preservation Board

- ☐ Preservation District
☐ Contiguous Check

Water Department

- ☐ New Water Supply
☐ Water Retention

- ☐ Asbestos Abatement
☐ Assessment Combination
☐ Public Works approval
for portable sign one year
encroachment
☐ Sewer Retention
☐ Telecommunication
☐ Tree over 4" at 4'
☐ Thruway Sign approval
☐ Zoning Variance

Detail 2. PLAN REVIEWS

Modified By DIGEF

Modified Date/Time 02/03/2011 11:20

Comments

No Comments

Report Date 02/10/2011 03:47 PM

Submitted By DAVID KRUG

Page 4

PLAN REVIEWS

Plans Review Required

- ☐ Simple Plan Review by Permit Office
- ☐ One- and Two-Family Plan Review
- ☐ Multiple Dwellings Plan Review
- ☒ Building Code Review
- ☐ Citywide Site Plan Submission Check
- ☐ Sewer Code Review
- ☐ Plumbing Code Review
- ☒ Electrical Code Review
- ☐ HVAC (Mechanical) Code Review
- ☐ Elevator Code Review
- ☒ Fire Code Review

Revisions Required

- ☐ Revisions Required for Simple Plans
- ☐ Revisions Req'd for 1- and 2-Family
- ☐ Revisions Req'd for Mult. Dwellings
- ☐ Revisions Req'd. for Bldg Code Rev.
- ☐ Revisions Req'd. for Citywide Site
- ☐ Revisions Required for Sewer Plans
- ☐ Revisions Required for Plumbing
- ☐ Revisions Required for Electrical
- ☐ Revisions Required for HVAC/Mech.
- ☐ Revisions Required for Elevators
- ☐ Revisions Required for Fire Bureau

| Check Conditions Condition Supervisor Required | Approval Approval Required | Approved By Comments | Approved Date | Applied By | Applied Date | Assigned |
|------------------------------------------------------|-------------------------------|-------------------------|---------------|------------|--------------|----------|
|------------------------------------------------------|-------------------------------|-------------------------|---------------|------------|--------------|----------|

No Conditions

SIGNS

- ☐ Work Done by Owner
- ☐ Zoning Board of Appeals
- ☐ Work Without Permit (FINE)

FLAT FEES

| NO. | TYPE OF SIGN | SIZE(S) | TOTAL SQ.FT. | HEIGHT |
|-----|------------------|---------|--------------|--------|
| 0 | Pole Sign | | = 0 | 0.0 |
| 1 | Ground Sign | 26X16X4 | = 15 | 0.0 |
| 0 | Wall Sign | | = 0 | |
| 0 | Awning Sign | | = 0 | |
| 0 | Advertising Sign | | = 0 | |
| 0 | Projecting Sign | | = 0 | |
| 0 | Roof Sign | | = 0 | |

Zoning District:

| Employee Employee ID | Last | First | MI | Comments |
|-------------------------|------|-------|----|----------|
|-------------------------|------|-------|----|----------|

No Employee Entries

| Log Action Comments | Description | Entered By | Start | Stop | Hours |
|---------------------------|-------------|------------|-------|------|-------|
|---------------------------|-------------|------------|-------|------|-------|

No Log Entries

2011 FEB 11 AM 10:24
FILED

00042

319

W. Zografos, Agent, Use 2068 Main St for a L-Shaped Ground Sign
(hrg 3/1)(Del)

REFERRED TO THE COMMITTEE ON LEGISLATION, THE CITY PLANNING
BOARD AND THE ZONING BOARD OF APPEALS

41

OFFICE OF THE CITY CLERK

GERALD A. CHWALINSKI

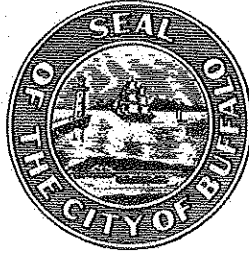
City Clerk
Registrar of Vital Statistics

WILMER OLIVENCIA, JR.

Deputy City Clerk

DIANA RICO

Deputy City Clerk Vital Statistics
Deputy Registrar of Vital Statistics



65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

This is to acknowledge that I have been informed as to the time and place
For the public hearing regarding:

2068 Main St 1 Shape ground Sign

To be held in the Council Chamber, 13th Floor, City Hall On:

3-1-11 at 2:00 PM

I am also informed that this is the only notice that the petitioner and or owner
will receive, and that if I am not the owner or petitioner, I will inform said
owner, petitioner or his/her agent of the above.

Signed [Signature] (Agent/Owner)

Print Name WILLIAM ZOGRAFOS Phone # 774-3272

Date 2/10/11

ATTENTION

PLEASE ALSO CONTACT BILL GRILLO PRINCIPAL PLANNER,
851-5086 FOR PLANNING BOARD MEETING.

321

Report Date 02/10/2011 03:57 PM

Submitted By DAVID KRUG

Page 1

A/P # 164186

Application Information

Stages

| | Date / Time | By | | Date / Time | By |
|-----------|------------------|-------|----------|-------------|----|
| Processed | 02/03/2011 11:34 | DIGEF | Temp COO | | |
| Issued | | | COO | | |
| Final | | | Expires | | |

Associated Information

| | | |
|------------------|--------------------------------------------------|------------|
| Type of Work | # Plans | 0 |
| Dept of Commerce | # Pages | 0 |
| Priority | <input checked="" type="checkbox"/> Auto Reviews | Bill Group |
| Square Footage | 0.00 | Name |

Valuation

| | |
|----------------------|----------|
| Declared Valuation | 75000.00 |
| Calculated Valuation | 0.00 |
| Actual Valuation | 0.00 |

Description of Work

***ZBA APPROVAL 511-12/SURVEY/CITY WIDE SITE PLAN APPROVAL/COMMON COUNCIL APPROVAL (PUBLIC HEARING) REQUIRED *** TO ERECT A 26'X16'X4' L-SHAPEDGROUND SIGN IN AN R-2 ZONING DISTRICT FOR CANISIUS COLLEGE GATEWAY.

Parent A/P #

| Project # | Project/Phase Name | Phase # |
|-----------|--------------------|---------|
| Size/Area | Size Description | |

Property/Site Information

Address 2068 MAIN
BUFFALO NY 14208-

Location

Owner/Tenant

| | | | | |
|------------------------------|------|------------------------------------------|---------------------------|----------------------------------|
| Contact ID AC281753 | Name | BUFFALO NEW YORK | Organization | |
| Mailing Address 2001 MAIN ST | | | State/Province NY | |
| City BUFFALO | | | Country USA | <input type="checkbox"/> Foreign |
| ZIP/PC 14214 | | | Evening Phone | |
| Day Phone | | | Mobile # | |
| Fax | | | Owner Y | From 01/13/1989 To |
| Occupant N | From | To | | |
| Contact ID AC218579 | Name | THE CANISIUS COLLEGE OF | Organization | |
| Mailing Address 2001 MAIN ST | | | State/Province NY | |
| City BUFFALO | | | Country USA | <input type="checkbox"/> Foreign |
| ZIP/PC 14209 | | | Evening Phone | |
| Day Phone | | | Mobile # | |
| Fax | | | Owner Y | From 01/13/1989 To |
| Occupant N | From | To | | |
| Contact ID AC1227926 | Name | BUFFALO NEW YORK THE CANISIUS COLLEGE OF | Organization | |
| Mailing Address | | | State/Province BUFFALO NY | |
| City 2001 MAIN ST | | | Country | <input type="checkbox"/> Foreign |
| ZIP/PC 14209 | | | Evening Phone | |
| Day Phone | | | Mobile # | |
| Fax | | | Owner Y | From 02/22/2005 To 05/06/2007 |
| Occupant N | From | To | | |

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

SIGNS Building Application

Report Date 02/10/2011 03:57 PM

Submitted By DAVID KRUG

Page 2

Owner/Tenant

| | | | | |
|------------------------------|------|-------------------------------------------|-------------------|----------------------------------|
| Contact ID AC30467 | Name | BUFFALO, NEW YORK THE CANISIUS COLLEGE OF | Organization | |
| Mailing Address 2001 MAIN ST | | | State/Province NY | |
| City BUFFALO | | | Country USA | <input type="checkbox"/> Foreign |
| ZIP/PC 14209 | | | Evening Phone | |
| Day Phone | | | Mobile # | |
| Fax | | | Owner Y | From 05/28/2000 To 05/06/2007 |
| Occupant N | From | To | | |

| | | | | |
|------------------------------|------|-------------------------------------------|-------------------|----------------------------------|
| Contact ID AC30468 | Name | BUFFALO, NEW YORK THE CANISIUS COLLEGE OF | Organization | |
| Mailing Address 2001 MAIN ST | | | State/Province NY | |
| City BUFFALO | | | Country USA | <input type="checkbox"/> Foreign |
| ZIP/PC 14209 | | | Evening Phone | |
| Day Phone | | | Mobile # | |
| Fax | | | Owner Y | From 05/28/2000 To 05/06/2007 |
| Occupant N | From | To | | |

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

0891500001002121

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

| | | |
|-----------------------|---------------|-------------------------------------|
| Primary Y | Capacity Type | |
| Effective | Expire | |
| Contact ID TBB | Name | TO BE BID |
| Phone (716)851-4924 x | Fax | |
| Comments | Address | 301 CITY HALL BUFFALO, NY 14202- |

applicant/architects/cannon design: BILL ZOGRASOS 774-3272 BILL GREELEY 774-3482

| License # | Type | Contact ID | Name |
|-----------|------|------------|-----------|
| 999999 | HIM | AC125720 | TO BE BID |

Item Description

Item Status

| | |
|-----------------------------------------------|------------------------|
| Check Fees | Fees Failed |
| APPLICATION FEE (\$25.00) | Unpaid |
| GROUND SIGN PERMIT FEE (\$75.00) | Unpaid |
| ZONING BOARD FEE (\$75.00) | Awaiting |
| Check Inspections | Inspections Successful |
| Check Reviews | Reviews Failed |
| 540748 CC APP COMMON COUNCIL APPROVAL REQ'D | Incomplete |
| 540749 CITY WIDE CITY WIDE SITE PLAN APPROVAL | Incomplete |
| 540752 PLAN REV - REVIEW REQUIRED | Incomplete |

322

Report Date 02/10/2011 03:57 PM

Submitted By DAVID KRUG

Page 3

| Item Description | Item Status |
|-----------------------------------------------|-----------------------------|
| 540750 ZONVARI ZONING BOARD VARIANCE REQUIRED | Incomplete |
| Check Conditions | Conditions Successful |
| Check Alert Conditions | Alert Conditions Successful |
| Check Licenses | Invalid License(s) |
| SBU | License Not Found |
| Check Children Status | Children Successful |
| Check Open Cases | 0 |

| Fees | Status | Paid Date | Amount |
|------------------------|--------|-----------|------------------------|
| GROUND SIGN PERMIT FEE | U | | 75.00 |
| APPLICATION FEE | U | | 25.00 |
| ZONING BOARD FEE | A | | 75.00 |
| Total Unpaid | | 175.00 | Total Paid 0.00 |

| Review Activities | Act # | Act Type | Status | Waived | Issued | Started | Completed |
|-------------------|-----------|----------|--------|--------|--------|---------|-----------|
| Comp By | | Comments | | | | | |
| 540748 | CC APP | | 0 | N | | | |
| 540749 | CITY WIDE | | 0 | N | | | |
| 540752 | PLAN REV | | 0 | N | | | |
| 540750 | ZONVARI | | 0 | N | | | |

Activity Review Details

Detail 1. PRIOR REQUIRED APPROVALS

Modified By DIGEF

Modified Date/Time 02/03/2011 11:35

Comments

No Comments

PRIOR APPROVALS

Bflo Arts Commission

- ☐ Arts Comm. Approval
☐ Special events

City Engineering

- ☐ Curb Cuts
☐ Encroachment
☐ Oversize Trucking
☐ Plumbers' Cuts
☐ Street Cuts

City Planning

- ☒ Citywide Site Plan
☐ Subdivisions
☐ Urban Renewal

City Survey

- ☐ Address Permit
☐ Development
☐ Flood Plain

City Survey (con't)

- ☐ Subdivisions

Common Council

- ☐ Admin Office/Apts R4
☐ Beauty Parlor R2
☐ Canopy/Marquee ROW
☒ Freestanding Sign
☐ Human Service Facility
☐ Portable Sign in ROW
☐ Restricted Use Permit
☐ Other

Environmental Review

- ☐ S.E.Q.R.A.
☐ N.E.P.A.

Law Office

- ☐ Insurances Check
☐ Title Held

Permit Office

- ☐ Asbestos Survey
☐ Bond/Certified check
☐ First Insurances Check
☐ Notarized Permission/
Lease showing Use
☐ Rodent/Vermin Bait
☐ Sewer/Water Cut
☐ Simple Demolition
☐ Simple Plan Approval
☐ Zoning/Use Check

Preservation Board

- ☐ Preservation District
☐ Contiguous Check

Water Department

- ☐ New Water Supply
☐ Water Retention

- ☐ Asbestos Abatement
☐ Assessment Combination
☐ Public Works approval
**for portable sign one year
encroachment**
☐ Sewer Retention
☐ Telecommunication
☐ Tree over 4" at 4'
☐ Thruway Sign approval
☐ Zoning Variance

Detail 2. PLAN REVIEWS

Modified By DIGEF

Modified Date/Time 02/03/2011 11:35

Comments

No Comments

Report Date 02/10/2011 03:57 PM

Submitted By DAVID KRUG

Page 4

PLAN REVIEWS

Plans Review Required

- ☐ Simple Plan Review by Permit Office
- ☐ One- and Two-Family Plan Review
- ☐ Multiple Dwellings Plan Review
- ☒ Building Code Review
- ☐ Citywide Site Plan Submission Check
- ☐ Sewer Code Review
- ☐ Plumbing Code Review
- ☐ Electrical Code Review
- ☐ HVAC (Mechanical) Code Review
- ☐ Elevator Code Review
- ☐ Fire Code Review

Revisions Required

- ☐ Revisions Required for Simple Plans
- ☐ Revisions Req'd for 1- and 2-Family
- ☐ Revisions Req'd for Mult. Dwellings
- ☐ Revisions Req'd. for Bldg Code Rev.
- ☐ Revisions Req'd. for Citywide Site
- ☐ Revisions Required for Sewer Plans
- ☐ Revisions Required for Plumbing
- ☐ Revisions Required for Electrical
- ☐ Revisions Required for HVAC/Mech.
- ☐ Revisions Required for Elevators
- ☐ Revisions Required for Fire Bureau

| Check Conditions Condition Supervisor Required | Approval | Approved By Comments | Approved Date | Applied By | Applied Date | Assigned |
|------------------------------------------------------|----------|-------------------------|---------------|------------|--------------|----------|
|------------------------------------------------------|----------|-------------------------|---------------|------------|--------------|----------|

No Conditions

SIGNS

- ☐ Work Done by Owner
- ☐ Zoning Board of Appeals
- ☐ Work Without Permit (FINE)

FLAT FEES

| NO. | TYPE OF SIGN | SIZE(S) | TOTAL SQ.FT. | HEIGHT |
|-----|------------------|-----------|--------------|--------|
| 0 | Pole Sign | | = 0 | 0.0 |
| 1 | Ground Sign | 26'X16'X4 | = 15 | 0.0 |
| 0 | Wall Sign | | = 0 | |
| 0 | Awning Sign | | = 0 | |
| 0 | Advertising Sign | | = 0 | |
| 0 | Projecting Sign | | = 0 | |
| 0 | Roof Sign | | = 0 | |

Zoning District: R 2

| Employee Employee ID | Last | First | MI | Comments |
|-------------------------|------|-------|----|----------|
|-------------------------|------|-------|----|----------|

No Employee Entries

| Log Action Comments | Description | Entered By | Start | Stop | Hours |
|---------------------------|-------------|------------|-------|------|-------|
|---------------------------|-------------|------------|-------|------|-------|

No Log Entries

00043

323

Office of City Clerk
1308 City Hall,
Buffalo, NY 14202

February 15, 2011

OPPOSE DEVELOPMENT
OF NEVILLY COURT

To: Office of City Clerk

Buffalo residents of the neighboring streets of Marilla, Zollars, Dallas and Ashton, are against the development of Nevilly Court off Marilla St. as athletic fields and a athletic center and parking lot. This heavily wooded location is off Marilla St. behind homes on Marilla St. and Zollars Ave. it borders Dimond Hurwitz Scrap Yard , Lactallis Sorrento Cheese Co truck Parking lot, and railroad tracks. This urban forest provides a noise barrier for residents from neighboring businesses. This site has never been developed and should remain so. It is rare to have woods in an urban area. This site supports a variety of wildlife with natural habitats. The encroachment into this urban forest is not environmentally sensible.

This neighborhood has been subject to many quality of life issues in the past. The addition of a project of this size will have a significant negative impact on the quality of life for neighboring residents. The Nevilly Court Project will increase traffic and create parking problems. Crime will increase, Noise will be an issue as well as litter, lighting and late night hours of operation. Increased burden on sewer systems are among many concerns.

Please consider this letter our formal complaint, Enclosed is a petition against the development called Nevilly Court Improvement Project. This location can not support a development of this size. This proposed development should not be allowed.

Sincerely,

Nick Macri

Nick Macri President
Dallas-Zollars Block Club
5 Dallas Rd.
Buffalo NY 14220

cc: Hon. Mayor Brown, Buffalo Zoning Board, DEC BOA

42

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Petition against Nevilly Court Improvement Project

We the undersigned taxpayers, petition the City of Buffalo Representatives to rescind its funding and authorization of the Nevilly Court Project.

Construction of an athletic center and playing fields at the location of Nevilly Court off Marilla St. in Buffalo NY 14220

| Name | Address | phone# |
|--------------------------|-----------------|--------------|
| 1 Kathy Gattre | 111 Oak St | 826-2626 |
| 2 P. Schiltz | 121 Oak St | 828-9980 |
| 3 Cheryl Hennigan | 53 Ashton Pl. | 822-6829 |
| 4 Gary Corbion | 19 Dallas | 825-7301 |
| 5 Mary | 12 Dallas | 825-8642 |
| 6 David M. Arthur | 51 Lockwood Ave | |
| 7 | 87 LOCKWOOD AVE | |
| 8 Nadine Sifford | 87 LOCKWOOD AVE | |
| 9 Rob Gifford | 45 Lockwood Ave | |
| 10 Tamara Gifford | 45 Lockwood Ave | |
| 11 Jeffrey M Arthur | 19 Lockwood Ave | |
| 12 Salvatore Lewandowski | 61 Lockwood Ave | |
| 13 David TAIT | 554 MARILLA | 716 715 1426 |
| 14 Terri Chadwick | 554 Marilla | 716 863-1098 |
| 15 Mike Gifford | 39 Kimmel | 824 5581 |
| 16 Kristin Bunkley | 37 Kimmel | 854-3581 |
| 17 Melissa Bunkley | 67 Spadina | |
| 18 Steven Smockson | 19 Dallas Rd | 939-2754 |
| 19 Joseph Schumme | 4 Hines St | |
| 20 Jim Smockson | 19 Dallas Rd | 948-5554 |
| 21 Dave Miller | 23 Dallas | 824-5511 |
| 22 Walt B. Dwyer | 20 Dallas | 823 4431 |
| 23 Deborah Palk | 6 Ashton | |
| 24 | " " | |
| 25 | " " | |
| 26 Barbara Castelli | 92 Ashton Pl. | 597-3690 |
| 27 Jonathan Waller | 26 Ashton Pl | 989-8539 |
| 28 Andrew Cartwright | 34 Ashton Pl | 716-997-1813 |
| 29 Bruce Fryer | 47 Ashton Pl | 716-316-4235 |
| 30 Robert Banks | 33 Dallas Rd | 716-982-4446 |

REFERRED TO THE COMMITTEE
CITY OF BUFFALO

Petition against Nevilly Court Improvement Project

We the undersigned taxpayers, petition the City of Buffalo Representatives to rescind its funding and authorization of the Nevilly Court Project. Construction of an athletic center and playing fields at the location of Nevilly Court off Marilla St. in Buffalo NY 14220

| Name | Address | phone# |
|------------------------|------------------------------|--------|
| 1 Joe McLaughlin | 37 Dallas | |
| 2 Brenda McLaughlin | 37 Dallas | |
| 3 Joe McLaughlin | 49 Columbus Ave | |
| 4 Katie Nash | 47 Dallas Rd Buffalo | |
| 5 Lillian Czarnocki | 55 DALLAS RD. BUFFALO | |
| 6 SATONKING | 65 Dallas Rd. Bph. 14220 | |
| 7 Kathy O'Shea | 59 Dallas Rd | |
| 8 Gloria O'Shea | 59 DALLAS AVE | |
| 9 Brian O'Shea | 39 DALLAS RD | |
| 10 Karen Stayer | 69 Dallas Rd | |
| 11 Melanne Stayer | 69 Dallas Rd | |
| 12 Lili Sallio | 2311 S. PARK AVE | |
| 13 Kelly Allen | 2311 S. PARK AVE | |
| 14 Joe Meyer | 62 Zollars Ave | |
| 15 L. Lucanti | 54 Zollars Ave Bph. NY 14220 | |
| 16 H. Sherry | 24 Zollars | |
| 17 Jacques Sherry | 24 Zollars | |
| 18 Eric R | 12 Zollars | |
| 19 Joe R | 12 Zollars Ave | |
| 20 Judith A. Mann | 5 Dallas Rd. | |
| 21 Deborah J. Schaffer | 48 Zollars Ave Bph NY 14220 | |
| 22 Kay M. Schaffer | 48 Zollars Ave Bph NY 14220 | |
| 23 James Schaffer | 11 Ashton Bph 14220 | |
| 24 Michael Lee | 11 Ashton Pl | |
| 25 William C. Mann | 5 Dallas Rd | |
| 26 Dominic V. Mann | 11 Dallas Rd. | |
| 27 Margie Mann | 11 Dallas Rd. | |
| 28 Nicholas Mann | 5 Dallas Rd. | |
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Petition against Nevilly Court Improvement Project

We the undersigned taxpayers, petition the City of Buffalo Representatives to rescind its funding and authorization of the Nevilly Court Project. Construction of an athletic center and playing fields at the location of Nevilly Court off Marilla St. in Buffalo NY 14220

| Name | Address | phone# |
|-------------------------|-----------------|---------------|
| 1 Kei Linton | 47 Dallas | 716 844-8019 |
| 2 Debra Hayden | 73 Dallas Rd | 824 3627 |
| 3 Ralph Hayden | 73 Dallas Rd | 824 3627 |
| 4 Justin Hayden | 73 Dallas Rd | 824 3627 |
| 5 Jenelle Hayden | 73 Dallas Rd | 824 3627 |
| 6 Robert Crider | 2329 S. Park | 822 820 892/2 |
| 7 Erica Lavor | 2325 S Park | 814 490-1638 |
| 8 Janet Fick | 2331 S Park Ln | 994 2541 |
| 9 David P. Ross | 2331 S Park W | 826-5412 |
| 10 Annaderguson | 51st Stn Pl. | 822 8842 |
| 11 Joseph A. C... | 51st Stn | 822-8842 |
| 12 Joseph A. C... | 345 Marilla | 715-4992 |
| 13 Dorene Swanton | 297 Marilla | 864-6414 |
| 14 Anthony M. Swanton | 297 Marilla | 822-6703 |
| 15 Andrew Banowski | 293 Marilla | 823-1470 |
| 16 Marilyn Mc Cunn | 312 Marilla St | 826-4736 |
| 17 | | |
| 18 Carlos Goss | 375 Marilla | 725-6583 |
| 19 Evelyn L. Gnash | 375 Marilla St. | 725-6583 |
| 20 Carmella R. Alicea | 371 Marilla St. | 826-5495 |
| 21 Benjamin Alicea Sr. | 371 Marilla St. | " " |
| 22 Ken & Rose Jarvis Jr | 372 Marilla St | 310-2104 |
| 23 Dolma Boyce | 367 Marilla St. | 825 7064 |
| 24 Ms. Gyg... | 363 | |
| 25 Carol Sanders | 355 | |
| 26 Joseph J. As... | 1 Ashton Pl. | |
| 27 Brenda Shadzik | 1 Ashton Pl. | |
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Petition against Nevilly Court Improvement Project

We the undersigned taxpayers, petition the City of Buffalo Representatives to rescind its funding and authorization of the Nevilly Court Project. Construction of an athletic center and playing fields at the location of Nevilly Court off Marilla St. in Buffalo NY 14220

| Name | Address | phone# |
|-----------------------|-----------------|----------------|
| 1 STEVEN SmoDICKS | 19 DALLAS | 939-0755 |
| 2 SCOTT MARTIN | 42 ZOLLARS | (716) 826-9185 |
| 3 LAURA MARTIN | 42 ZOLLARS | (716) 826-9185 |
| 4 Rick Eschbach | 50 ZOLLARS | 716 825-6565 |
| 5 Danielle Nash | 24 Ashton | 716 491-0066 |
| 6 MARY BELL | 44 Ashton | |
| 7 Joyce Kozakiewicz | 50 Ashton | 716 823-6398 |
| 8 Sue Pison | 68 Ashton | 716 821-9270 |
| 9 Mary Margerum | 92 Coolidge | 716 8248331 |
| 10 Cat Margerum | 59 Ashton | 716 823-1114 |
| 11 Nancy Waldorf | 35 Ashton | 716-823-9442 |
| 12 Thomas Premeaux | 27 Ashton Place | 716 823-3079 |
| 13 L. Konejny | 27 Ashton Place | 716 823-3079 |
| 14 Michelle Zielinski | 25 Ashton Place | |
| 15 Amy McPHERMICK | 21 Ashton Place | |
| 16 Matthew Jordan | 15 Ashton Place | 716 5638613 |
| 17 [unclear] | 44 Zollars | |
| 18 [unclear] | 44 Zollars | |
| 19 John Gonzalez | 34 Zollars | |
| 20 Andreg Gonzalez | 34 Zollars | |
| 21 Ed Jordan | 2 Ashton Pl. | 716-544 9451 |
| 22 Glenn Danner | 2 Ashton pl | 716-390-6055 |
| 23 [unclear] | 2 Ashton pl | 716-308-7061 |
| 24 [unclear] | 44 3 | 603 4645 |
| 25 Jackson Vanhook | 44 3 | 603 4645 |
| 26 Margaret Rogowsky | 27 O'Kell St. | 716-954-3836 |
| 27 MARY JAKUBOWSKI | 53 O'KELLS | |
| 28 [unclear] | 77 Hill St. | 826-1473 |
| 29 [unclear] | 87 O'KELL ST. | |
| 30 [unclear] | 103 O'Kella | |

Petition against Nevilly Court Improvement Project

We the undersigned taxpayers, petition the City of Buffalo Representatives to rescind its funding and authorization of the Nevilly Court Project. Construction of an athletic center and playing fields at the location of Nevilly Court off Marilla St. in Buffalo NY 14220

| Name | Address | phone# |
|-------------------|-------------|----------|
| 1 Carol Pollinger | 304 Marilla | 822 3628 |
| 2 Liane Lock | 288 Marilla | 823 2026 |
| 3 M R Gruen | 33 Ashton | 825 7105 |
| 4 JOHN TERMINI | 63 ASHTON | 824-9356 |
| 5 Janine Grotke | 405 Marilla | 826-6073 |
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329

Petition against Nevilly Court Improvement Project

We the undersigned taxpayers, petition the City of Buffalo Representatives to rescind its funding and authorization of the Nevilly Court Project.

Construction of an athletic center and playing fields at the location of Nevilly Court off Marilla St. in Buffalo NY 14220

| Name | Address | phone# |
|-----------------------|----------------|----------|
| 1 JON CLONTZ | 272 MARILLA | 836-6566 |
| 2 Tom Fisher | 300 MARILLA ST | 824-8550 |
| 3 James Mott | 289 MARILLA ST | 825 8275 |
| 4 Elizabeth Westfield | 296 Marilla | 825 4436 |
| 5 TIM FICK | 301 MARILLA ST | 359 0813 |
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330

Petition against Nevilly Court Improvement Project

We the undersigned taxpayers, petition the City of Buffalo Representatives to rescind its funding and authorization of the Nevilly Court Project.

Construction of an athletic center and playing fields at the location of Nevilly Court off Marilla St. in Buffalo NY 14220

| Name | Address | phone# |
|------------------------|-----------------|--------------|
| 1 LAURIE BOROWIAK | 8 ASHTON PL. | 821-9256 |
| 2 Michael J Borowiak | 8 Ashton Pl. | 821-9256 |
| 3 Robert John | 15 Ashton Pl. | 698-8021 |
| 4 Jim Pordell | 46 Ashton Pl. | 822-3535 |
| 5 Margaret Lynch | 54 Ashton | 822-4236 |
| 6 RB Massary | 56 Ashton | |
| 7 Jeff Newcome | 74 Ashton Place | 823-0529 |
| 8 Joe | 386 Marilla St | |
| 9 Linda Dressinger | 390 MARILLA | |
| 10 Michelle Dressinger | 390 marilla | 824-5259 |
| 11 Jomaira Guzman | 396 Marilla | 352-5520 |
| 12 Antonio Mont | 396 marilla | 352-5520 |
| 13 Erin Ellis | 397 Marilla | 714-818-2714 |
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716-578-2714

Petition against Nevilly Court Improvement Project

We the undersigned taxpayers, petition the City of Buffalo Representatives to rescind its funding and authorization of the Nevilly Court Project.

Construction of an athletic center and playing fields at the location of Nevilly Court off Marilla St. in Buffalo NY 14220

| Name | Address | phone# |
|------------------------------|------------------------|-----------------|
| 1 <u>John Wiso</u> | <u>328 Marilla</u> | <u>826 5869</u> |
| 2 <u>John Wiso</u> | <u>328 Marilla</u> | <u>864 6853</u> |
| 3 <u>John Wiso</u> | <u>329 Marilla</u> | <u>548 7935</u> |
| 4 <u>John Wiso</u> | <u>332 Marilla St</u> | <u>583-6058</u> |
| 5 <u>John Wiso</u> | <u>332 Marilla</u> | <u>361-8035</u> |
| 6 <u>John Wiso</u> | <u>336 Marilla</u> | <u>390-8849</u> |
| 7 <u>John Wiso</u> | <u>340 Marilla</u> | <u>822 8809</u> |
| 8 <u>John Wiso</u> | <u>364 Marilla St.</u> | <u>698-6863</u> |
| 9 <u>Susan Spivey George</u> | <u>362 Marilla</u> | |
| 10 <u>John Wiso</u> | <u>370 Marilla</u> | <u>430 6784</u> |
| 11 <u>John Wiso</u> | <u>378 Marilla</u> | <u>994-5088</u> |
| 12 <u>John Wiso</u> | <u>402 Marilla St</u> | <u>826-8472</u> |
| 13 <u>John Wiso</u> | <u>401 Marilla St</u> | <u>824-0376</u> |
| 14 <u>Selman Rosa</u> | <u>410 Marilla St</u> | <u>725-1709</u> |
| 15 <u>John Wiso</u> | <u>409 Marilla St</u> | <u>602-1555</u> |
| 16 <u>R. Schuch</u> | <u>395 Marilla St</u> | <u>218 5292</u> |
| 17 <u>John Wiso</u> | <u>" "</u> | <u>" "</u> |
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Regular Committees

CIVIL SERVICE
(Bonnie E. Russell, Chairperson)

00044

334

Appt Chief Wtr Pollution Insp(Prov)(4th Step)(Lackie)(PW)
Ccp# 10, 02/08

Mrs Russell moved

That Communication of 10 of February 8, 2011, be received and Filed
and that the Provisional appointment of Brian Lackie, 714 Abbott Rd,
Buffalo, NY 14220 at the Fourth Step of \$43,489.00 is hereby
approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie E Russell

335

* AYE * NO *

| | | | | |
|----------|---|---|---|---|
| | | | | * |
| FONTANA | * | * | * | * |
| FRANCZYK | * | * | * | * |
| GOLOMBEK | * | * | * | * |
| KEARNS | * | * | * | * |
| LOCURTO | * | * | * | * |
| PRIDGEN | * | * | * | * |
| RIVERA | * | * | * | * |
| RUSSELL | * | * | * | * |
| SMITH | * | * | * | * |
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Maj - 5
2/3 - 6
3/4 - 7

00045

Appt Dog Control Officer (Perm)(2nd Step)(Murray)(PW)
Ccp# 11, 02/08

936

Mrs Russell moved

That Communication of 11 of February 8, 2011, be received and Filed
and that the Permanent appointment of Heather Murray, 101 Hubbell
Avenue, Buffalo, NY 14220 at the Second Step of \$22,721.00 is
hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie Russell

2

337

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00046

Appoint Parking Enforcement Officer (Perm)(Inter)(Dones II)(PKG)
Ccp# 19, 02/08

338

Mrs Russell moved

That Communication of 19 of February 8, 2011, be received and Filed
and that the Permanent appointment of Marvin Dones II, 174 Myrtle
Avenue, Buffalo, NY 14204 at the Intermediate Salary of \$26,321.00
is hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Donna E Russell

3

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Maj - 5
2/3 - 6
3/4 - 7

00047

Appoint Traffic Clerk(Prov)(Inter)(Halligan)(Pkg)
Ccp# 20, 02/08

340

Mrs Russell moved

That Communication of 20 of February 8, 2011, be received and Filed
and that the Provisional appointment of Patricia Halligan, 16 Arbour
Lane, Buffalo, NY 14220 at the Intermediate Salary of \$38,542.00 is
hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Donna E Russell

4

341

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2/3 - 6
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00048

Notices of Appointments-Temp/Prov/Perm(Cty Clk)
Ccp# 30, 2/08

3/1/08

Mrs. Russell moved

That the above item be the same and hereby is Received and Filed.

ADOPT

Bonnie E Russell

Recommended by the Committee on Civil Service

5

342

FINANCE

(Michael P. Kearns, Chairman)

00049

Capital Projects Account Fund Transfer(EDPI)
Ccp# 14, 2/08

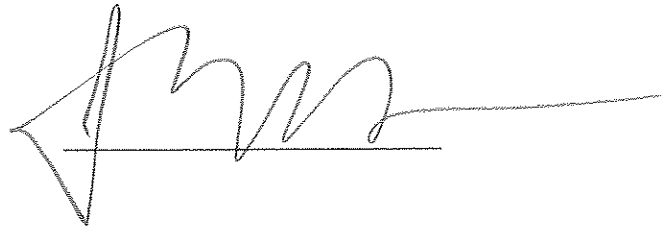
344

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed.

ADOPT

Recommended by the Committee on Finance

A handwritten signature in black ink, appearing to be 'RMS', written over a horizontal line.

6

00050

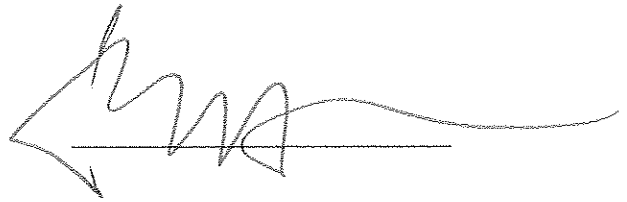
List of Delinquent Tax, User Fees and Sewer Liens-In Rem 45(AF)
Ccp# 17, 2/08

345

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed.

ADOPT

A handwritten signature in black ink, appearing to be 'JWA', written over a horizontal line.

Recommended by the Committee on Finance

A handwritten mark in black ink, resembling a large checkmark or a stylized '7'.

00051

BSA 2009-2010 Comprehensive Annual Financial Report(BSA)
Ccp# 22, 2/08

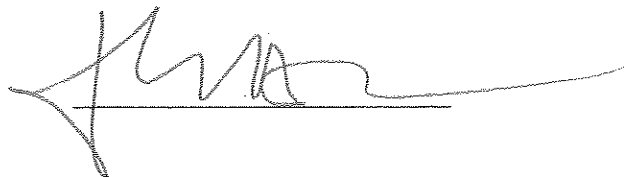
346

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed.

ADOPT

Recommended by the Committee on Finance

A handwritten signature in dark ink, appearing to be "J. Kearns", written over a horizontal line.A handwritten mark or signature in dark ink, possibly a stylized "g" or a small flourish.

Implementing Use of an Automated Fund Transfer Program for the Payment of City Bills(MIS)
Ccp# 12, 1/25

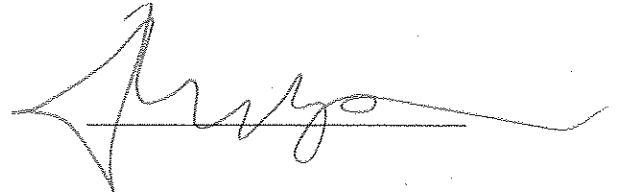
347

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed.

ADOPT

Recommended by the Committee on Finance

A handwritten signature in black ink, appearing to be "Prigo", written over a horizontal line.

9

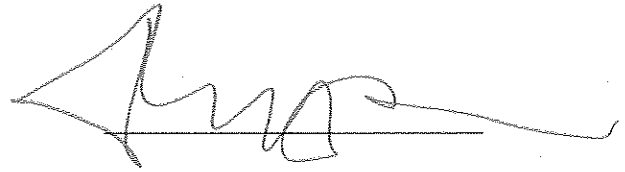
00053

Implementing Use of an Automated Fund Transfer Program for the Payment of City Buildings
Ccp# 76 1/11

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed.

ADOPT

A handwritten signature in black ink, appearing to be "Kearns", written over a horizontal line.

Recommended by the Committee on Finance

10

00054

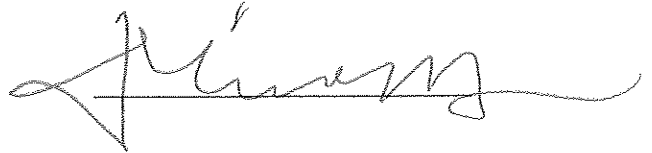
349

Real Time Transparency in the COB through Live Streaming (MIS)
Ccp# 13, 1/25

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed.

ADOPT

A handwritten signature in cursive script, appearing to read "Kearns", written over a horizontal line.

Recommended by the Committee on Finance

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350

COMMUNITY DEVELOPMENT
(Michael J. LoCurto, Chairman)

00055

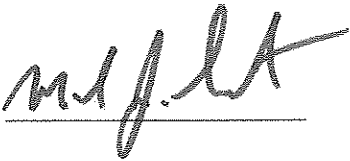
351

M. Gallivan-Concerns Marine Drive Apartments
(#32, 2/8)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Community Development

A handwritten signature in dark ink, appearing to be "M. J. L.", written over a horizontal line.

12

00056

352

Information-Rescue, Rehab & Adaptive Reuse of Statler Towers
(#35, 12/28)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Community Development

m.j.l.

13

00057

353

Sale of Former Public School 36
(#73, 10/5)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Community Development

A handwritten signature in dark ink, appearing to be "M. J. L.", written over a horizontal line.

14

00058

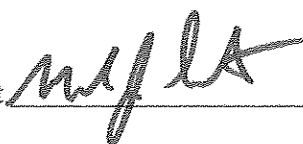
354

C. Haynes-McCarley Gardens/East Side Economic Development Presentation
(#78, 9/7)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Community Development

A handwritten signature in dark ink, appearing to be 'm. j. l.', written over a horizontal line.

15

00059

355

Creating Community Bldg Task Force to Address Crime and Its Causes In Buffalo
(Except 3rd & Las Res) (#110, 9/7)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Community Development

m.j.l.k.

16

00060

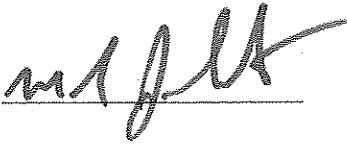
356

Investing in the Cultural Corridor-Michigan St Project
(Except Resolves) (#111, 9/7)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Community Development

A handwritten signature in dark ink, appearing to be "M. J. H.", written over a horizontal line.

17

00061

359

S. Gawlik-Empire State Deve-General Proj Plan-Canalside Land Use Improv Proj
(Except Resolves) (#63, 5/11)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Community Development

A handwritten signature in dark ink, appearing to be "mljlt", written over a horizontal line.

18

00062

R. Rienas-PBA Response-771 Busti Ave. Proposed Landmark Designation
(#54, 10/13) (#71, 10/27)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Community Development

A handwritten signature in dark ink, appearing to be "m.j. la", written over a horizontal line.

19

00063

359

M. Kearns-HUD Report
(#40, 4/14)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Community Development

A handwritten signature in dark ink, appearing to be 'mylt', written over a horizontal line.

20

260

LEGISLATION

(Joseph Golombek Jr., Chairman)

00064

361

D. Smith-NY-Alert-Emergency Notification System
(#40, 2/8)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation

Joseph H. Ambrose, Jr.

21

00065

362

R. Yelda-Marcellus Shale Gas Drilling Economic Consequences
(#41, 2/8)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation Joseph H. Blum

22

00066

363

R. Yelda-Medina Well Fracture Stimulation Process/Procedures
(#42, 2/8)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation Joseph A. R. J.

23

00067

364

BSA Policy for Treatment of Natural Gas Drilling (Hydro Fracking)
(#72, 2/8)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation Joseph H. H. H.

RECOMMIT

24

Mr. Golombek moved that the above item be recommitted to the Committee on Legislation

ADOPTED

00068

Ordinance Amendment - Chapter 144 -- Contractors
(Item No. 74, C.C.P., Feb. 8, 2011)

That the Ordinance Amendment as contained in Item No. 74, C.C.P.,
February 8, 2011, be and the same hereby is approved.

Passed

Recommended by the Committee on Legislation

Joseph Garibay, J
Chairman

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3/4 - 7

Ordinance Amendment - Chapter 175 – Fees (Contractors)
(Item No. 75, C.C.P., Feb. 8, 2011)

That the Ordinance Amendment as contained in Item No. 75, C.C.P.,
February 8, 2011, be and the same hereby is approved.

Passed

Recommended by the Committee on Legislation


Chairman

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Interview for Comptroller Seat
(Item No. 77, C.C.P., Feb. 8, 2011)

That the Common Council solicit resumes and set up hearings or interview for candidates interested in filling the vacancy of the Office of Comptroller of the City of Buffalo once said vacancy occurs.

Adopted

Recommended by the Committee on Legislation


Chairman

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E. Wantuck, Petition to use 2042 South Park Avenue – Alter Existing
Storefront for a Tattoo and Body Piercing Parlor
(Item No. 50, C.C.P., Jan. 25, 2011)

That the above item be, and the same hereby is, returned to the Common Council without recommendation.

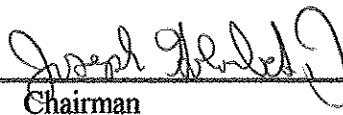
Mr. Golombek moved:

That after the public hearing before the Committee on Legislation on February 1, 2011, the petition of E. Wantuck, owner, for permission to use 2042 South Park to alter an existing storefront for a tattoo and body piercing parlor be, and hereby is approved with the following conditions:

1. The business is to be closed on Sundays. Appointments for finishing work are acceptable.
2. The business is to schedule no appointments after 9:00 p.m.
3. The business will not allow body piercing to be performed on anyone under the age of 18 unless accompanied by an adult.
4. The business will not allow anyone under the age of 18 to be tattooed. Anyone under the age of 18 will not be allowed to receive services unless accompanied by an adult.
5. The license is for Eric and Renee Wantuck only and cannot be transferred to another party.
6. The license can be revoked within one year if conditions are not met if the District Councilmember determines that the business is not in compliance with the conditions as stated above or the guidelines of the Special South Park Avenue District.

Passed.

Recommended by the Committee on Legislation


Chairman

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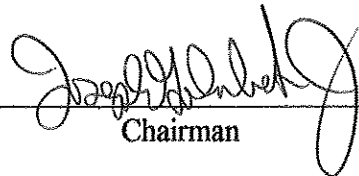
Maj - 5
2/3 - 6
3/4 - 7

Second Hand Dealer – 561 Delaware Avenue
(Item No. 20, C.C.P., Jan. 25, 2011)

That pursuant to Chapter 254 of the City Code, the Commissioner of Economic Development Permit and Inspection Services be, and he hereby is authorized to grant a Second Hand Dealer License to Harold Richardson d/b/a Harold's Curiosity Shoppe located at 561 Delaware Avenue.

Passed.

Recommended by the Committee on Legislation


Chairman

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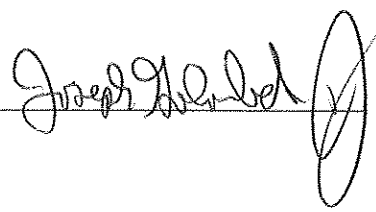
374

G. Caver-Gill-Concerns Parking Tickets
(#37, 1/25)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation



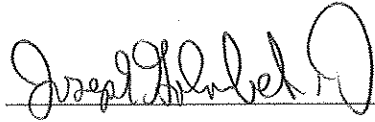
30

Real Time Transparency in COB Through Live Streaming
(exp res) (#77, 1/11)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation



00075

376

Project Lockdown
(#70, 12/28)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation

A handwritten signature in dark ink, appearing to read "Joseph H. ...", written over a horizontal line.

A handwritten mark in dark ink, possibly initials or a signature, located in the bottom right corner of the page.

Amending Chapter 511, Article XVI, Create a
Genesee-East Delavan Special Zoning District
(Item No. 73, C.C.P., Dec. 14, 2010)

That the above item be, and the same hereby is, returned to the Common Council without recommendation.

Mr. Golombek moved:

That the Common Council does hereby request the Department of Law that they immediately prepare for Common Council action an ordinance amending Chapter 511, Article XVI, of the City of Buffalo Code to create a "Genesee-East Delavan Special Zoning District," which shall be defined as the area consisting of Genesee Street, between Bailey Avenue and the City's municipal boundary with the Town of Cheektowaga and E. Delavan Avenue between Bailey Avenue and the City's municipal boundary with the Town of Cheektowaga; and

When drafting the above referenced ordinance creating a Genesee-East Delavan Special Zoning District, that no use shall be permitted to the Genesee-East Delavan Special Zoning District which is a use for dance halls, nightclubs, car washes, eating and drinking establishments, take-out food places, tattoo parlors, billiard parlors, amusement arcades, private clubs and general merchandise stores, except if a restricted use permit has been first issued for such use pursuant to Section 511-55 of the City of Buffalo Code; and

That copies of this resolution shall be sent to the Department of Law, the Department of Permits and Inspections and the Office of Strategic Planning for their review and comment.

Passed.

Recommended by the Committee on Legislation

Chairman

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RECEIVED AND FILED

Amending Chapter 511-68.4, Designate "Private Clubs" and "General Merchandise Stores" as Restricted Uses Within the Clinton Street Special Zoning District
(Item No. 74, C.C.P., Dec. 14, 2010)

That the above item be, and the same hereby is, returned to the Common Council without recommendation.

Mr. Golombek moved:

That the Common Council does hereby request the Department of Law to immediately draft an ordinance amending Chapter 511-68.4 of the City of Buffalo Code, "Clinton Street Special Zoning District," so that both "general merchandise stores" and "private clubs" are added to the list of restricted uses within the Clinton Street Special Zoning District for which a special use permit is required; and

That the Common Council does hereby respectfully direct the City Clerk to forward a copy of this resolution to the Department of Law, the Department of Permits and Inspections and the Office of Strategic Planning.

Passed.

Mr. Golombek moved that the
above item is now received + filed

Recommended by the Committee on Legislation

Joseph Golombek
Chairman

ADOPTED

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~~RECEIVED AND FILED~~

Amending Chapter 511-68.5, Designate "Private Clubs" and "General Merchandise Stores" as Restricted Uses Within the Lovejoy Street Special Zoning District
(Item No. 75, C.C.P., Dec. 14, 2010)

That the above item be, and the same hereby is, returned to the Common Council without recommendation.

Mr. Golombek moved:

*That the above item is now
hereby received and filed*

That the Common Council does hereby request the Department of Law to immediately draft an ordinance amending Chapter 511-68.5 of the City of Buffalo Code, "Lovejoy Street Special Zoning District," so that both "general merchandise stores" and "private clubs" are added to the list of restricted uses within the Lovejoy Street Special Zoning District for which a special use permit is required; and

That the Common Council does hereby respectfully direct the City Clerk to forward a copy of this resolution to the Department of Law, the Department of Permits and Inspections and the Office of Strategic Planning.

Passed →

ADOPTED

Recommended by the Committee on Legislation

Joseph G. Hill
Chairman

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RECEIVED AND FILED

35

D. Smith-Pending Nuisance Abatement Legislation
(#39, 11/16)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation

K. Brinkworth, Petition to use 727 Elmwood Create Outdoor Café-Rear of Existing Bar
(Item No. 89, C.C.P., Sept. 7, 2010)

That the above item be, and the same hereby is, returned to the Common Council without recommendation.

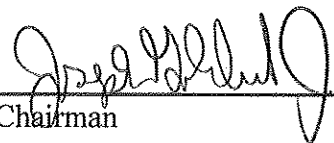
Mr. Golombek moved:

That after the public hearing before the Committee on Legislation on September 14, 2010, the petition of K. Brinkworth, agent, for permission to use 727 Elmwood Avenue to create an outdoor café on private property to the rear of an existing bar be, and hereby is approved upon the following conditions:

1. That the beer garden be restricted to a 38' by 38' concrete pad with 11 picnic tables, landscaping at the rear of the property with sod, trees, flowers and decorative pavers.
2. An 8' 10" high, wood, dog-eared, board-on-board fence be installed where necessary at the rear of the property to shield neighbors.
3. That there be no outdoor music.
4. That the patrons be serviced from the inside.
5. That the hours of operation be restricted to:
 - Dusk until 8:30 p.m. Sunday through Thursday.
 - Dusk through 9:30 p.m. Friday through Sunday, with last call for food taking place at 8:45 p.m.
6. Planning Board will further review the item at the end of the first season of operation.
7. No pavers are to lead to grass area at the rear of the garden.

Passed.

Recommended by the Committee on Legislation


Chairman

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362

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00081

Blue Monk f/k/a Merlins – Bar at 727 Elmwood Avenue
(Item No. 95, C.C.P., Sept. 7, 2010)

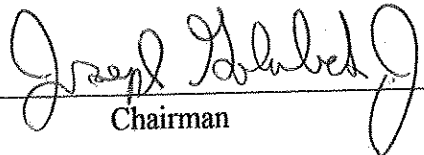
That the above item be, and the same hereby is returned to the Common Council
without recommendation.

Mr. Golombek moved:

That the above-mentioned item be and the same is hereby received and filed.

Adopted.

Recommended by the Committee on Legislation


Chairman

00082

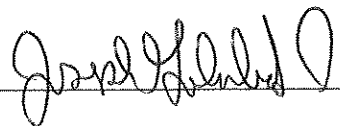
384

M. Glomb, Agent, Use 192 Porter Ave For a Free Standing Sign
(no pub hrg)(#18, 9/15)(#50, 9/29)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation



39

00083

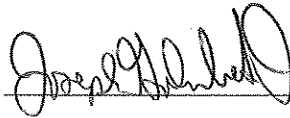
285

Creation and Appoint. Of Members to Hate Crime Task Force
(exc 1st res) (#93, 11/3)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation



40

00084

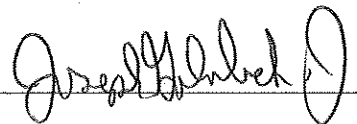
386

The Creation of a Hate Crimes Task Force
(exc 1, 2,4,5,6 res) (#99, 2/2)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation



41

Used Car Dealer – 1235 Fillmore Avenue
(Item No. 48, C.C.P., Sept. 1, 2009)
(Item No. 76, C.C.P., Dec. 22, 2009)

That the above item be, and the same hereby is returned to the Common Council without recommendation.

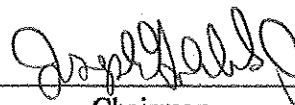
Mr. Golombek moved:

That pursuant to Chapter 254 of the City Code, the Commissioner of Permit & Inspection Services be, and he hereby is authorized to grant a Used Car Dealer License to Jaber Shadi d/b/a MJ Tire Shop located at 1235 Fillmore Avenue.

Passed.

1. 5 Car Limit
2. No Junk Vehicles on Lot
3. Lot to be Kept Clean and Maintained

Recommended by the Committee on Legislation


Chairman

* AYE * NO *

| | | | | |
|----------|-----|-----|---|---|
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| FONTANA | * | * | * | * |
| FRANCZYK | * | * | * | * |
| GOLOMBEK | * | * | * | * |
| KEARNS | * | * | * | * |
| LOCURTO | * | * | * | * |
| PRIDGEN | * | * | * | * |
| RIVERA | * | * | * | * |
| RUSSELL | * | * | * | * |
| SMITH | * | * | * | * |
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Maj - 5
2/3 - 6
3/4 - 7

EDUCATION
(DEMONE A. SMITH, Chairman)

00086

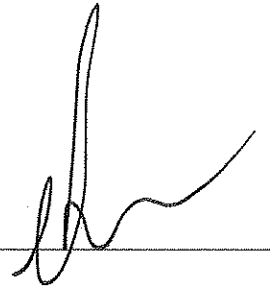
390

L.P. Ciminelli-Board Packet Documents December 2010
(#44, 12/14)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Special Committee on Education

A handwritten signature in black ink, consisting of a series of loops and a long vertical stroke, positioned over a horizontal line.

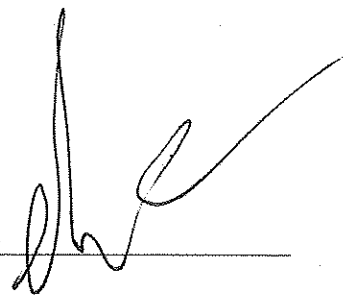
43

LP Ciminelli-Board Packet Documents – October 2010
(#42, 10/19)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Special Committee on Education

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

00088

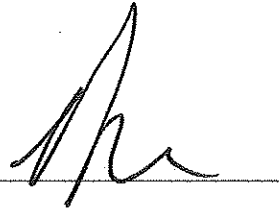
392

Buffalo Public School Parent Council-Comp Student Attend. Policy for Grades
(#13, 12/8)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Special Committee on Education

A handwritten signature in dark ink, appearing to be 'M. R.', written over a horizontal line.

RECOM MITTEE

45

Mr. Smith moved that the above item be recommitted to the Special Committee on Education

Adopted

RESOLUTIONS

RESOLUTION

SPONSOR: RICHARD A. FONTANA

SUBJECT: A CALL TO REVISE THE CDBG PROGRAM FUNDING FORMULA IN LIGHT OF A PROPOSED \$300 MILLION REDUCTION IN THE FY2012 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ALLOCATION

WHEREAS: The Community Development Block Grant (CDBG) program which took effect in January 1975, was enacted by President Gerald Ford pursuant to the Housing and Community Development Act of 1974. The CDBG Program, which is administered by the United States Department of Housing and Urban Development (HUD), provides annual grants on a formula basis to cities, counties and states, to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons; and

WHEREAS: The CDBG program was originally designed to address the pressing urban problems facing the nation in the mid-1970s. For the first several years of the program, much of the allocated funding was not used as the federal government had originally intended and was instead spent in wealthier neighborhoods. In 1978, in an effort to reform the program, HUD began to more strictly enforce and restrict eligible funding activities. Additionally, a dual formula approach was adopted for determining funding allocations and the program was expanded to enable medium and large-sized municipalities to receive funding; and

WHEREAS: A community's CDBG funding allocation is derived from HUD's application of Formula A and B whereby the grantee receives the larger of the calculated amounts. Formula A allocates funding to a community based on its metropolitan share of population, poverty and overcrowding; this tends to benefit rapidly growing cities. Conversely, Formula B allocates funding to a community based on its share of growth lag, poverty and age of housing; this tends to benefit older industrial cities with decreasing population and greater levels of older and/or deteriorating housing stock. These funding formulas, which were designed to determine need, have not changed since 1978. However communities, and the country, have undergone significant and dynamic demographic and socio-economic changes since that time; and

WHEREAS: Under the current funding formulas, affluent communities, even those with resources adequate to fund community development programs themselves, none-the-less often receive more funding than communities with less resources. In addition, similar sized communities with similar needs often receive drastically different funding allocations; and

WHEREAS: In response to recognizing that the formulas being used to allocate CDBG funding were no longer as good of a measure as they once were for determining a communities' needs, HUD introduced the CDBG Reform Act of 2006. The legislation however, failed to gain the approval of congress and as a result, the legislation was never enacted and the reforms were not implemented. The act would have changed the methodology for

395

distributing CDBG funding by using a single formula with five (5) variables: per capita income; number of overcrowded housing units; number of households living in poverty, excluding full-time dependent students; number of female heads of households with minor children; and number of homes 50 years or older occupied by low-income families; and

WHEREAS: More recently, in an era of reduced spending at all levels of government, President Barack Obama has proposed a reduction of approximately 7.5% or \$300 million for the Community Development Block Grant Program; and

WHEREAS: While the proposed reduction in funding will be felt by all CDBG recipients, cities, with greater needs and fewer resources, such as the City of Buffalo, NY, will be challenged to solve ever increasing community problems with shrinking Federal aid; and

WHEREAS: Now would be an opportune time for HUD and our federal leaders to enact CDBG funding formula reforms to address the problems that will be faced by communities needing to cope with reduced CDBG funding allocations, increasing or unusually high levels of poverty, and most importantly, minimal or non-existent levels of resources to adequately address the needs and issues facing their community, and enact legislation that would allocate a greater share of the CDBG funding that would normally be earmarked for communities with higher resources and less need, to those communities with fewer resources and greater needs.

NOW, THEREFORE, BE IT RESOLVED:


That this Common Council does hereby declare its support for revising the CDBG funding formula to enable communities with high levels of poverty and minimal or non-existent resources for funding community development and economic improvement projects, to receive a greater share of available federal CDBG funding.

AND BE IT FURTHER RESOLVED:

That certified copies of this resolution be forwarded by the City Clerk to members of our local federal and state delegations and the offices of President Barack Obama and HUD Secretary Shaun Donovan.

AND BE IT FINALLY RESOLVED:

That this matter be referred to the Common Council's Committee on Community Development for further deliberation and review.



RICHARD A. FONTANA
MAJORITY LEADER
LOVEJOY DISTRICT COMMON COUNCIL MEMBER

RESOLUTION

By: Richard Fontana

**RE: OPPOSING ANY ATTEMPT BY NYS TO CONSOLIDATE THE
WESTERN REGIONAL OFF-TRACK BETTING CORPORATION (OTB)**

WHEREAS, In September of 1973, the eleven western New York counties of Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben and Wayne, established the Western Regional Off-Track Betting (OTB) Corporation, as enabled by New York State law; and

WHEREAS, These municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, The start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state confiscation of this purely local venture; and

WHEREAS, Since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four Western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over \$200 million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, Now, Governor Cuomo and both houses of the New York State Legislature are publically proposing a taking of Western OTB's business and its assets by a consolidation of all the regional off-track betting corporations in this state by some state-sponsored private or quasi-governmental interloper that threatens a loss of local revenue, independence and local oversight of gaming in our communities; and

WHEREAS, The participating municipalities of Western Regional Off-Track Betting Corporation, as its shareholders, have a pro-rata financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, The reality of such state-sponsored consolidation and takeover of the OTBs would rob Western Regional Off-Track Betting Corporation's communities of not only local control but their substantial re-investment of profits to acquire and maintain such money-making assets.

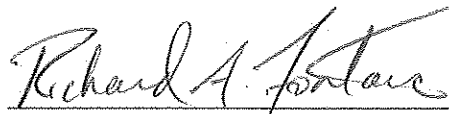
397

NOW, THEREFORE BE IT RESOLVED,

That the Common Council of the City of Buffalo, New York unalterably oppose such threatened "nationalizing" of Western Regional Off-Track Betting Corporation's business by New York State; and

BE IT FURTHER RESOLVED,

That the Common Council of the City of Buffalo, New York directs the City Clerk to forward a copy of this adopted resolution to the President & Chief Executive Officer of Western Regional Off-Track Betting Corporation, the City of Buffalo's elected representatives in New York State government, the Erie County Legislature, and the Erie County Executive.



Richard Fontana
Common Council Majority Leader
Lovejoy District Council Member

ADOPTED

By: Mr. Fontana

Re: Ordinance Amendment
Chapter 511, Zoning

The Common Council of the City of Buffalo does hereby ordain as follows:

That Chapter 511, Article XVI of the Code of the City of Buffalo be amended to read as follows:

§511-68.4 Clinton Street Special Zoning District

A. Clinton Street, between Bailey Avenue and Cochrane Street as hereafter limited and described, shall be known as the "Clinton Street Special Zoning District."

B. Limits and description. The Clinton Street Special Zoning District shall include all properties fronting on both sides of Clinton Street originating at the intersection of Clinton Street and Bailey Avenue continuing to the intersection of Clinton Street and Cochrane Street.

C. Legislative intent.

(1) This Common Council finds that, in the Clinton Street Special Zoning District, the stability and continued viability of this area as a sound residential, commercial and cultural area of the City is threatened and thus adversely affects the welfare and economic well-being of the City and its residents.

(2) The Common Council therefore finds that future development shall be controlled by the creation of a special zoning district.

D. Permitted uses. Any of the uses which presently are permitted pursuant to this chapter of the Code of the City of Buffalo or which may be established or extended as a matter of right pursuant to said Code, except those uses herein restricted, shall be permitted uses in the Clinton Street Special Zoning District.

E. Restricted uses. No use shall be permitted in the Clinton Street Special Zoning District which is a use for dance halls, nightclubs, car washes, eating and drinking establishments, general merchandise stores, private clubs, take-out food places, tattoo parlors, billiard parlors and amusement arcades, except as permitted by Subsection F of this section.

F. Restricted use permit.

(1) Any of the following listed uses may be established or extended, separately or in combination with other uses permitted in this district, if in compliance with all

of the regulations of this chapter, and then only if a restricted use permit is issued pursuant to § 511-55 of this chapter:

Amusement Arcades

Bars

Billiard Parlors

Car washes

Dance Halls

Eating and Drinking Establishments

General Merchandise Stores

Nightclubs

Private Clubs

Take-out Food Places

Tattoo Parlors

(2) Any person seeking to establish or extend a use restricted by Subsection E of this section shall file an application for a restricted use permit as provided by § 511-55 of this chapter.

G. Severability Clause – The provisions of this section are severable. If any provision, paragraph, subparagraph, sentence, clause, phrase or word of this section or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision, paragraph, subparagraph, sentence, clause, phrase or word or application which can be given effect without the invalid provision, paragraph, subparagraph, sentence, clause, phrase or word or application of this section.

APPROVED AS TO FORM


Asst. Corporation Counsel

NOTE: Matter underlined is new,
matter in brackets is to be deleted.

REFERRED TO THE COMMITTEE ON LEGISLATION² AND THE CITY PLANNING BOARD

By: Mr. Fontana

Re: Ordinance Amendment
Chapter 511, Zoning

The Common Council of the City of Buffalo does hereby ordain as follows:

That Chapter 511, Article XVI of the Code of the City of Buffalo be amended to read as follows:

§511-68.5 Lovejoy Street Special Zoning District

A. Lovejoy Street, as hereafter limited and described, shall be known as the "Lovejoy" Street Special Zoning District."

B. Limits and description. The Lovejoy Street Special Zoning District shall include all properties fronting on both sides of Lovejoy Street.

C. Legislative intent.

(1) This Common Council finds that, in the Lovejoy Street Special Zoning District, the stability and continued viability of this area as a sound residential, commercial and cultural area of the City is threatened and thus adversely affects the welfare and economic well-being of the City and its residents.

(2) The Common Council therefore finds that future development shall be controlled by the creation of a special zoning district.

D. Permitted uses. Any of the uses which presently are permitted pursuant to this chapter of the Code of the City of Buffalo or which may be established or extended as a matter of right pursuant to said Code, except those uses herein restricted, shall be permitted uses in the Lovejoy Street Special Zoning District.

E. Restricted uses. No use shall be permitted in the Lovejoy Street Special Zoning District which is a use for dance halls, nightclubs, car washes, eating and drinking establishments, general merchandise stores, private clubs, take-out food places, tattoo parlors, billiard parlors and amusement arcades, except as permitted by Subsection F of this section.

F. Restricted use permit.

(1) Any of the following listed uses may be established or extended, separately or in combination with other uses permitted in this district, if in compliance with all of the regulations of this chapter, and then only if a restricted use permit is issued pursuant to § 511-55 of this chapter:

Amusement Arcades

Bars

Billiard Parlors

Car washes

Dance Halls

Eating and Drinking Establishments

General Merchandise Stores

Nightclubs

Private Clubs

Take-out Food Places

Tattoo Parlors

(2) Any person seeking to establish or extend a use restricted by Subsection E of this section shall file an application for a restricted use permit as provided by § 511-55 of this chapter.

G. Severability Clause – The provisions of this section are severable. If any provision, paragraph, subparagraph, sentence, clause, phrase or word of this section or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision, paragraph, subparagraph, sentence, clause, phrase or word or application which can be given effect without the invalid provision, paragraph, subparagraph, sentence, clause, phrase or word or application of this section.

APPROVED AS TO FORM



Asst. Corporation Counsel

NOTE: Matter underlined is new,
matter in brackets is to be deleted.

By: Mr. Fontana

Re: Ordinance Amendment

Chapter 511, Zoning

The Common Council of the City of Buffalo does hereby ordain as follows:

That Chapter 511, Article XVI of the Code of the City of Buffalo be amended to read as follows:

§511-68.6 Genesee-East Delevan Special Zoning District

A. Genesee Street, between Bailey Avenue and the City's eastern municipal boundary with the Town of Cheektowaga and East Delevan Avenue, between Bailey Avenue and the City's municipal boundary with the Town of Cheektowaga, as hereafter limited and described shall be known as the "Genesee-East Delevan Special Zoning District."

B. Limits and Description. The Genesee-East Delevan Special Zoning District shall include all properties fronting on both sides Genesee Street between Bailey Avenue and the City's municipal boundary with Cheektowaga and all properties fronting on East Delevan Avenue and the City's municipal boundary with Cheektowaga.

C. Legislative Intent.

1. This Common Council finds that, in the Genesee-East Delevan Special Zoning District, the stability and continued viability of this area as a sound residential, commercial and cultural area of the City is threatened and thus adversely affects the welfare and economic well-being of the City and its residents.

2. The Common Council therefore finds that future development shall be controlled by the creation of a special zoning district.

D. Permitted uses. Any of the uses which presently are permitted pursuant to this Chapter of the Code of the City of Buffalo or which may be established or extended as a matter of right pursuant to said Code, except those uses herein restricted, shall be permitted uses in the Genesee-East Delevan Special Zoning District.

E. Restricted uses. No use shall be permitted in the Genesee-East Delevan Special Zoning District, which is a use for dance halls, nightclubs, car washes, eating and drinking establishments, general merchandise stores, private clubs, take-out food places, tattoo parlors, billiard parlors and amusement arcades, except as permitted by Subsection F of this section.

F. Restricted Use Permit.

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1. An of the following uses may be established or extended, separately or in combination with other uses permitted in this district, if in compliance with all regulations of this chapter, and then only if a restricted use permit is issued pursuant to §511-55 of this chapter:

Amusement arcades

Bars

Billiard parlors

Car washes

Dance halls

Eating and Drinking Establishments

General Merchandise Stores

Private Clubs

Nightclubs

Take-out food places

Tattoo parlors

2. Any person seeking to establish or extend a use restricted by Subsection E of this section shall file an application for a restricted use permit as provided by §511-55 of this Chapter.

G. Severability Clause – The provisions of this section are severable. If any provision, paragraph, subparagraph, sentence, clause, phrase or word of this section or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision, paragraph, subparagraph, sentence, clause, phrase or word or application which can be given effect without the invalid provision, paragraph, subparagraph, sentence, clause, phrase or word or application of this section.

APPROVED AS TO FORM


Asst. Corporation Counsel

NOTE: Matter underlined is new,
matter in brackets is to be deleted.

BY: MR. FRANCZYK

RE: APPOINTMENTS TO CITIZENS ADVISORY COMMISSION ON REAPPORTIONMENT

WHEREAS: Pursuant to Section 18-12 of the City of Buffalo Charter, I am appointing the following persons to the Citizens Advisory Commission on Reapportionment:

Russell C. Weaver, 38 Taft Place, Buffalo, N.Y. 14214; Lionel Davis, 229 Bakos Blvd., Buffalo, N.Y. 14211; Marysol Rosado, 49 Arkansas Street, Buffalo, N.Y. 14213; Philip A. Lowrey, 553 Fillmore Avenue, Buffalo, N.Y. 14212 and Marc C. Panepinto, 153 Bidwell Prkwy. Buffalo, N.Y. 14222



DAVID A. FRANCZYK

ADOPTED

405

* AYE * NO *

FONTANA * / * *

FRANCZYK *  *

GOLOBEK * * *

KEARNS * 4 *

LOCURTO * 11 *

PRIDGEN * * *

RIVERA * *

RUSSELL * * *

SMITH * * *

Maj - 5

2/3 - 6

3/4 - 7

54

RESOLUTION

Sponsor: Mr. Franczyk

Re: Appointment to the Shared Asset Forfeiture Fund Advisory Committee (SAFFAC)

Whereas: The Shared Asset Forfeiture Fund (SAFF) was added to the City Charter in 2006, Section 16-24, in the Department of Police, to provide funding to private, not-for-profit and community-based organizations classified as and meeting the requirements of 26 U.S.C. 501C (3) or (4), for conducting programs associated with law enforcement, crime, drug and alcohol abuse prevention, that contribute to the safety, betterment, and physical well-being of youth within the City of Buffalo; and


Whereas: Section 16-25 of the City Charter states that the Shared Asset Forfeiture Fund Advisory Committee (SAFFAC) shall consist of five members, each having voting power. The Commissioner of Police shall be a member, along with the Mayor and Common Council each appointing two members; and

Whereas: In compliance with Section 16-25 of the City Charter, the Common Council advances the following individual for appointment to the SAFFAC as a voting member:

- **G. Michael Tydus**, who resides at **1088 Delaware Avenue** in the City of Buffalo, NY.

Now, Therefore, Be It Resolved:

That this Common Council hereby appoints **G. Michael Tydus**, who currently resides at **1088 Delaware Avenue** in the City of Buffalo, NY, to serve as a voting member of the Shared Asset Forfeiture Fund Advisory Committee for a two-year term expiring on December 31, 2012.



David A. Franczyk
Common Council President
Fillmore District Council Member

ADOPTED

By: Mr. Golombek

Re: Ordinance Amendment

Chapter 511, Zoning

The Common Council of the City of Buffalo does hereby ordain as follows:

That Chapter 511, Article XVI of the Code of the City of Buffalo be amended to read as follows:

§511-68.7 Pan-American Special Zoning District

A. The area bounded by Great Arrow Avenue and the Scajaquada Expressway, between Delaware Avenue and Elmwood Avenue, as hereafter limited and described shall be known as the "Pan-American Special Zoning District."

B. Limits and Description. The Pan-American Special Zoning District shall include all properties fronting on all streets contained within the perimeter formed and bordered by Great Arrow Avenue to the North, the Scajaquada Expressway to the South, Delaware Avenue to the East and Elmwood Avenue to the West.

C. Legislative Intent.

1. This Common Council finds that, in the Pan-American Special Zoning District, the stability and continued viability of this area as a sound residential, commercial and cultural area of the City is threatened and thus adversely affects the welfare and economic well-being of the City and its residents.

2. The Common Council therefore finds that future development shall be controlled by the creation of a special zoning district.

D. Permitted uses. Any of the uses which presently are permitted pursuant to this Chapter of the Code of the City of Buffalo or which may be established or extended as a matter of right pursuant to said Code, except those uses herein restricted, shall be permitted uses in the Pan-American Special Zoning District.

E. Restricted uses. No use shall be permitted in the Pan-American Special Zoning District, which is a use for dance halls, nightclubs, car washes, eating and drinking establishments, general merchandise stores, private clubs, take-out food places, tattoo parlors, billiard parlors and amusement arcades, except as permitted by Subsection F of this section.

F. Restricted Use Permit.

406A

1. An of the following uses may be established or extended, separately or in combination with other uses permitted in this district, if in compliance with all regulations of this chapter, and then only if a restricted use permit is issued pursuant to §511-55 of this chapter:

Amusement arcades

Bars

Billiard parlors

Car washes

Dance halls

Eating and Drinking Establishments

General Merchandise Stores

Private Clubs

Nightclubs

Take-out food places

Tattoo parlors

2. Any person seeking to establish or extend a use restricted by Subsection E of this section shall file an application for a restricted use permit as provided by §511-55 of this Chapter.

G. Severability Clause – The provisions of this section are severable. If any provision, paragraph, subparagraph, sentence, clause, phrase or word of this section or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision, paragraph, subparagraph, sentence, clause, phrase or word or application which can be given effect without the invalid provision, paragraph, subparagraph, sentence, clause, phrase or word or application of this section.

APPROVED AS TO FORM


Asst. Corporation Counsel

NOTE: Matter underlined is new,
matter in brackets is to be deleted.

By: Messrs. Golombek and Pridgen

City of Buffalo

Local Law No. ____ (2011)

Introductory No. 1 (2011)

A LOCAL LAW amending Section 7-3 of the Charter of the City of Buffalo in relation to the Department of Audit and Control

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF BUFFALO AS FOLLOWS:

ARTICLE 7 :Department of Audit and Control (§ 7-1 — § 7-21)

§ 7-1 Comptroller.

The comptroller shall be the head of the department of audit and control.

§ 7-2 Election; Term; Residence Requirement.

At the general election held in the year 2003 and every fourth year thereafter a comptroller shall be elected by the electors of the entire city for a term of four years.

No person shall be eligible for election or appointment as successor to the office of the comptroller who has not been a resident as defined in section 24-4 of this charter of the city for a period of at least one year immediately preceding the date of his or her election or appointment.

§ 7-3 Vacancy.

A. In case of a vacancy in the office of comptroller, otherwise than by expiration of [his] the term, the council shall appoint a qualified elector of the same political party as the comptroller whose place is vacant, to fill such vacancy until the first day of January following the next general election at which a comptroller may, pursuant to law, be chosen for the balance of the term. The person so elected shall take office on the first day of January following such general election.

B. Prior to an appointment, the Common Council shall direct the City Clerk to advertise the vacancy for a minimum of five (5) days on the City's website and public access media outlets, and obtain from any qualified elector seeking consideration for appointment, a current resume and a letter requesting appointment to the vacancy.

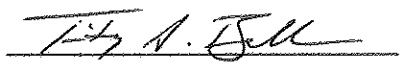
C. In the event of a vacancy, the Common Council shall appoint a qualified elector to the position of Comptroller for the time period prescribed in Section 7-3(A) herein within ninety (90) days of the office becoming vacant.

Section 2: Insofar as the provisions of this local law are inconsistent with the provisions of any other local law or act, the provisions of this local law shall be controlling.

Section 3: This local law shall take effect only after it is duly ratified by the City and approved by a simple majority the voters of the City of Buffalo at the next general election.

Section 4: This local law is subject to mandatory referendum because the subject matter is enumerated in §23 of the Municipal Home Rule Law as a category requiring mandatory referendum.

APPROVED AS TO FORM ONLY:


DAVID RODRIGUEZ
ACTING CORPORATION COUNSEL
By: Timothy A. Ball
Assistant Corporation Counsel

NOTE: Matter underlined is new,
matter in brackets is to be deleted.

REFERRED TO THE COMMITTEE
ON LEGISLATION.

By: Mr. Kearns

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| Transfer of Funds |
|-------------------|

Common Council – Legislative

That pursuant to §20-12 of the Charter and the Certificate of the Mayor and the Comptroller submitted to the Common Council, the sum of **\$3,500** be and the same is hereby transferred within the Common Council Legislative and said sum is hereby reappropriated as set forth below:

From:

| | |
|---------------------------------------------|-----------------------|
| City Clerk | |
| 10220006– 434000 Other Contractual Services | <u>\$3,500</u> |

To:

| | |
|----------------------------------|-----------------------|
| Common Council Legislative | |
| 101102001 – 412002 Hourly Salary | <u>\$3,500</u> |

PASSED

52

* AYE * NO *

| | | | | |
|----------|---|---|---|---|
| | | | | * |
| FONTANA | * | * | * | * |
| FRANCZYK | * | * | * | * |
| GOLOMBEK | * | * | * | * |
| KEARNS | * | * | * | * |
| LOCURTO | * | * | * | * |
| PRIDGEN | * | * | * | * |
| RIVERA | * | * | * | * |
| RUSSELL | * | * | * | * |
| SMITH | * | * | * | * |
| | * | * | * | |
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| | * | * | * | * |

Maj - 5
2/3 - 6
3/4 - 7

BY: MR. PRIDGEN

RE: Towne Gardens Apartments

WHEREAS, the Towne Gardens II was built in 1972 and is an important residential community serving the needs of a majority of tenants who receive Federal government subsidies; and

WHEREAS, the residents of Towne Gardens II consists of 360 units at 440 Clinton Street, bounded by Clinton, Hickory and William Streets; and

WHEREAS, there are approximately 500 residents that live in Towne Gardens II; and

WHEREAS, Towne Gardens II consists of 64,000 sq. ft. of retail space; and

WHEREAS, Towne Gardens II was purchased through a U.S. Department of Housing and Urban Development (HUD) foreclosure auction in 2006 by Towne Gardens LLC, 407 William St 14204; and

WHEREAS, according to reported terms of agreement, the new owner of Towne Gardens II would be required to make more than \$6 million in repairs over 2 years and maintain subsidized housing status for more than 300 units for the next 20 years. (Buffalo News 11/23/06); and

WHEREAS, Dating back to 2007 The Towne Gardens II tenant council and many tenants and neighbors have complained to the owners, the city, and other agencies of the dilapidated, deteriorating and unkempt living conditions of the complex; and

WHEREAS, To date tenants and The Towne Gardens II council continue to complain about a plethora of issues including but not limited to rodent infestation, heating problems, broken windows, missing eaves, filthy hallways, roof leaks, lack of management attention, overflowing dumpsters, untimely repairs, lack of adequate security, torn screens and lawns littered with broken glass, increase in crime due to a lack of adequate security;

NOW, THEREFORE, BE IT

RESOLVED, that the Buffalo Common Council requests that the owners of Towne Gardens II to appear before this honorable body to present their plans for improvement to the Complex.


Darius G. Pridgen

REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

CD

52A

PR

412

By: Mr. Smith

SUBJECT: Fugitive Safe Surrender

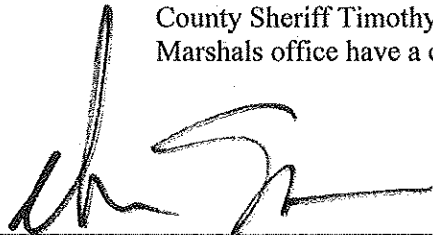
- Whereas: New York State is ranked four on the lists of violent crimes committed per year by state in the Country; and
- Whereas: The City of Buffalo currently has an estimated 8000 outstanding warrants with an average of 100 new arrest warrants issued per week; and
- Whereas: The Fugitive Safe Surrender program was created in 2005 by the US Marshals Service and now has a division in 19 cities in the country including and not limited to Cleveland, Detroit, Philadelphia, Newark and Washington D.C.; and
- Whereas: Each person who voluntarily surrenders him/herself represents an estimated savings of \$420 per person to local governments; and
- Whereas: Each person who surrenders also removes the threat of potential danger to law enforcement, the individual's community and family, and the individual's self; and
- Whereas: During the past five years, approximately 29 police officers nationwide have been killed while interacting with wanted fugitives, many of whom were wanted for minor, non-felony offenses; and
- Whereas: The State of New Jersey has had 3 Fugitive Safe Surrender events since its conception, which totaled over 10,000 fugitives surrendering; and
- Whereas: This program would help police, prosecutors and judges because it reduces the risk to law enforcement officers who pursue fugitives in their neighborhoods by preventing minor infractions from leading to more serious offenses in attempts to avoid capture.

Now, Therefore, Be It Resolved That:

The City of Buffalo explores the opportunity of instituting a Fugitive Safe Surrender Program under the direction of the Buffalo Division of the US Marshal for the State of New York.

Now, Therefore, Be it Further Resolved That:

Police Commissioner Daniel Derenda, Save our Streets Task Force, Erie County Sheriff Timothy Howard, Chief Judge Thomas Amadeo, and the U.S. Marshals office have a copy of this resolution sent to their respective offices.



Masten District Councilmember

REFERRED TO THE SPECIAL COMMITTEE
ON PARKS OVERSIGHT

POLICE OVERSIGHT

SUB
53

00101

413

BY: DEMONE A SMITH

Appointments
Commissioners of Deeds
Required for the Proper
Performance of Public Duties

That the following person(s) are hereby appointed as Commissioner of Deeds for the term ending December 31, 2012, conditional upon the persons so appointed certifying under oath to their qualifications and filing same with the City of Buffalo

Julianna Bochiechio
Michael Zulewski
Paul C. Wilson
Matthew Laun
Violet Hall
Nicole Jordan
Joanna Alfonso-Cooke

TOTAL 7

ADOPTED

54

4/14

BY: DEMONE A SMITH

Appointments
Commissioner of Deeds

That the following persons are hereby appointed as Commissioner of Deeds for the term ending December 31, 2012, conditional, upon the person so appointed certifying under oath to their qualifications and filing same with the City Clerk:

- Todd Nibble

TOTAL 1

ADOPTED

55

ANNOUNCEMENT OF COMMITTEE MEETINGS

The following meetings are scheduled. All meetings are held in the Common Council Chambers, 13th floor City Hall, Buffalo, New York, unless otherwise noted.

Regular Committees

| | |
|-------------------------------------------------|----------------------------------------------|
| Committee on Civil Service | Tuesday, March 1, 2011 at 9:45 o'clock A.M. |
| Committee on Finance following Civil Service | Tuesday, March 1, 2011 at 10:00 o'clock A.M. |
| Committee on Comm. Dev. | Tuesday, March 1, 2011 at 1:00 o'clock P.M. |
| Committee on Legislation | Tuesday, March 1, 2011 at 2:00 o'clock P.M. |

(Public Disclaimer): All meetings are subject to change and cancellation by the respective Chairmen of Council Committees. In the event that there is sufficient time given for notification, it will be provided. In addition, there may be meetings set up whereby the City Clerk's Office is not made aware; therefore, unless we receive notice from the respective Chairmen, we can only make notification of what we are made aware.

00104

416

No.

Adjournment

On a motion by Mr. Fontana, Seconded by Mr. ^{RIVERA}~~Kearns~~, the Council adjourned at 3:40 PM

GERALD CHWALINSKI
CITY CLERK

SPECIAL SESSION
February 15, 2011
AT 11:00 A.M.

1. Call for Special Session_____ R&F
2. Discharge CD- Annual Action Plan (YR 37 CDBG)_____ ADOPT
3. Amend - Annual Action Plan (YR 37 CDBG)_____ APP
4. Annual Action Plan (YR 37 CDBG)as Amended_____ APP
5. Adjourn_____ R&F

2

COMMON COUNCIL
CITY HALL - BUFFALO
SPECIAL SESSION
February 15, 2011
at 11:00 A.M.

PRESENT : David A. Franczyk President of the Council, and Council Members
Fontana, Golombek, Kearns, LoCurto, Pridgen, Rivera, Russell, Smith - 9.
ABSENT None.

* AYE * NO *

| | | | | |
|----------|---|---|---|---|
| | | | | * |
| FONTANA | * | / | * | * |
| FRANCZYK | * | / | * | * |
| GOLOMBEK | * | / | * | * |
| KEARNS | * | / | * | * |
| LOCURTO | * | / | * | * |
| PRIDGEN | * | / | * | * |
| RIVERA | * | / | * | * |
| RUSSELL | * | / | * | * |
| SMITH | * | / | * | * |
| | * | | * | * |
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| | * | | * | * |

Maj - 5
2/3 - 6
3/4 - 7

3

1

February 14, 2011

Mr. Gerald A. Chwalinski
City Clerk
1308 City Hall
Buffalo, New York

Dear Mr. Chwalinski:

Pursuant to Section 3.9 of the Charter of the City of Buffalo, upon the written request of Five Councilmembers, dated February 14, 2011 presented to you herewith, I hereby call a Special Meeting of the Common Council to be held in the Council Chambers, City Hall, Buffalo, New York, on February 15, 2011 at 11:00 A.M. for the following purpose:

To receive and take appropriate action on :

1. Annual Action Plan (YR 37 CDBG)

Yours very truly,



David A. Franczyk

President of the Council

February 14, 2011

Hon. David A. Franczyk
President Common Council
1315 City Hall
Buffalo, New York

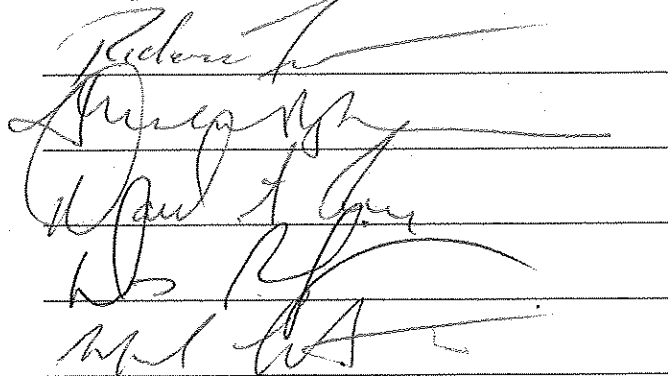
Dear Sir:

WE, the undersigned, members of the Common Council, hereby request that you call a Special Meeting of the Common Council and waive the 24 hour notice, pursuant to Section 3.9 of the Charter of the City of Buffalo, for the following purpose:

To receive and take appropriate action on

1. Annual Action Plan (Yr 37 CDBG)

We request that this Special Meeting be held on February 15, 2011 at 11:00 A.M.



Five handwritten signatures of Common Council members are written on horizontal lines. The signatures are in cursive and appear to be: Richard L. [unclear], [unclear], [unclear], [unclear], and [unclear].

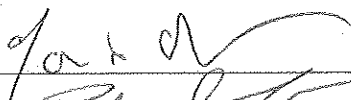
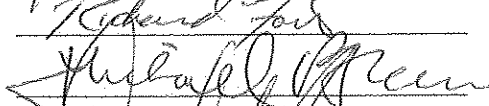
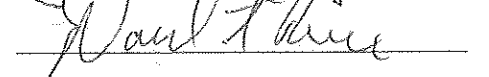
5

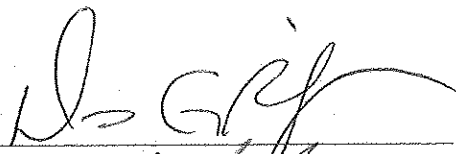

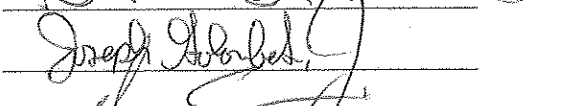

Pursuant to Rule 2 of the Rules of Order of the Common Council of the City of Buffalo, each of the following named members of the Common Council, to wit:

RICHARD FONTANA
MICHAEL KEARNS
DARIUS G. PRIDGEN
BONNIE E. RUSSELL

JOSEPH GOLOMBEK
MICHAEL LOCURTO
DAVID RIVERA
DEMONE SMITH

hereby agrees that twenty-four (24) hours' notice be waived of the time and purpose of the Special Meeting of the Common Council duly called to be held on February 15, 2011 at 11:00 A.M.

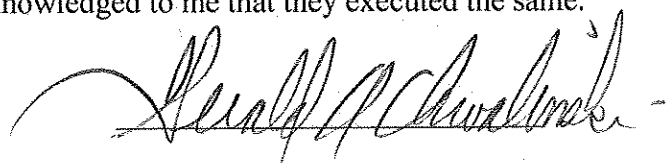

Richard Fontana

Michael Kearns

Darius G. Pridgen


Joseph Golombek

Michael Locurto

David Rivera

Demone Smith

STATE OF NEW YORK
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

On this 14th day of February 2011, before me, the subscribers, personally appeared

To me known to be the same persons described in and who executed the foregoing instrument, and they duly and severally acknowledged to me that they executed the same.



Commissioner of Deeds, in and for
the City of Buffalo, N.Y.
My Commission expires 12/31/12

OFFICE OF THE CITY CLERK

GERALD A. CHWALINSKI

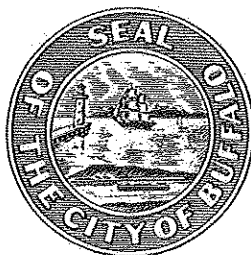
*City Clerk
Registrar of Vital Statistics*

WILMER OLIVENCIA, JR.

Deputy City Clerk

DIANA RICO

*Deputy City Clerk Vital Statistics
Deputy Registrar of Vital Statistics*



65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

February 14, 2011

TO EACH MEMBER OF THE COMMON COUNCIL:

YOU ARE HEREBY NOTIFIED that, pursuant to Section 3.9 of the Charter of the City of Buffalo, upon the written request of Five Councilmembers, dated February 10, 2011, DAVID A. FRANCYK, President of the Common Council, has called a Special Meeting of the Common Council, to be held in the Council Chambers, City Hall, Buffalo, New York, on February 15, 2011 at 11:00 A.M. for the following purpose:

To receive and take appropriate action on all items relating to

1. 2011-2012 Annual Action Plan (Yr 37 CDBG)

Yours very truly,

A handwritten signature in cursive script that reads "Gerald A. Chwalinski".

Gerald A. Chwalinski
City Clerk

7

No. 2

**Discharge Community Development Committee -
Annual Action Plan (YR 37 CDBG)
(No. 2, CCP 1/25/10)**

Mr. Fontana moved that

Whereas, the above item is currently in the Community Development Committee and,

Whereas, it is no longer necessary for this item to be considered by that committee,
Now Therefore Be It Resolved, that this Common Council does hereby discharge the Committee from further consideration of this item, and it is now before the Common Council for its consideration.

Seconded by Mr. Locurto

ADOPTED.

8

**City Clerk's Department
BUFFALO**

February 15, 2011

HON. BYRON W. BROWN
MAYOR OF BUFFALO

DEAR SIR:

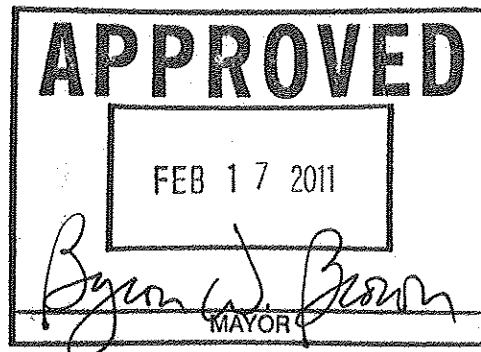
Pursuant to the provisions of Section 3-19 of the Charter, I present
herewith the attached resolution item.

No. 3

PASSED February 15, 2011

Amend Annual Action Plan(YR 37 CDBG)

Gerald A Chwalinski
City Clerk



FILED
CITY CLERK
2011 FEB 18 AM 10:55

2011-2012 ANNUAL ACTION PLAN COMMUNITY DEVELOPMENT BLOCK GRANT YEAR 37

| Grant / Program / Year | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | | | | MAYOR'S PROPOSED ANNUAL ACTION PLAN | | | | | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | CHANGE FROM PRIOR YEAR | |
|------------------------------------------------------------|-----------------------------------------------|-----------|---------|-----------|------------|----------------------------------------|-----------|---------|-----------|------------|--------------------------------------------------|-------------------------------------|---------------------------|------------|
| | YEAR 36 (2010-11) | | | | | YEAR 37 (2011-12) | | | | | YEAR 37 (2011-12) | | | |
| | CDBG | HOME | ESG | HOPWA | TOTAL | CDBG | HOME | ESG | HOPWA | TOTAL | Council Amendments CDBG Only | COUNCIL APPROVAL Feb 15, 2011 | IN DOLLARS | AS A % |
| SOURCES OF FUNDS | | | | | | | | | | | | | | |
| Initial Grant Funding | 16,081,522 | 5,081,876 | 706,910 | 521,982 | 22,402,270 | 17,409,073 | 5,073,088 | 705,483 | 565,329 | 23,752,973 | 0 | 23,752,973 | 1,350,703 | 6.0% |
| American Dream Downpayment Initiative (ADDI) (HOME) | | | | | 0 | | | | | 0 | 0 | 0 | 0 | NEW |
| Subsequent Grant Funding | 1,317,551 | | | 43,367 | 1,360,918 | | | | | 0 | 0 | 0 | -1,360,918 | Not Funded |
| Subsequent Grant Funding - ADDI | | | | | 0 | | | | | 0 | 0 | 0 | 0 | NEW |
| SubTotal - Grant Funds | 17,408,073 | 5,081,876 | 706,910 | 565,329 | 23,783,188 | 17,409,073 | 5,073,088 | 705,483 | 565,329 | 23,752,973 | 0 | 23,752,973 | -10,215 | 0.0% |
| BURA Program Income | 450,000 | | | | 450,000 | 450,000 | | | | 450,000 | 0 | 450,000 | 0 | 0.0% |
| BERC Program Income | 1,200,000 | | | | 1,200,000 | 1,200,000 | | | | 1,200,000 | 0 | 1,200,000 | 0 | 0.0% |
| HOME Program Income | 250,000 | | | | 250,000 | 250,000 | | | | 250,000 | 0 | 250,000 | 0 | 0.0% |
| SubTotal - Program Income | 1,650,000 | 250,000 | 0 | 0 | 1,900,000 | 1,650,000 | 250,000 | 0 | 0 | 1,900,000 | 0 | 1,900,000 | 0 | 0.0% |
| TOTAL SOURCES OF FUNDS | 19,058,073 | 5,331,876 | 706,910 | 565,329 | 25,653,188 | 19,059,073 | 5,323,088 | 705,483 | 565,329 | 25,652,973 | 0 | 25,652,973 | -10,215 | 0.0% |
| USES OF FUNDS Column Totals (See below) | 19,059,073 | 5,331,876 | 705,910 | 565,329 | 25,653,188 | 19,059,073 | 5,323,088 | 705,483 | 565,329 | 25,652,973 | 0 | 25,652,973 | -10,215 | 0.0% |
| PUBLIC FACILITIES & IMPROVEMENTS: | | | | | | | | | | | | | | |
| AIDS Community Services (HOPWA) | | | | 185,000 | 185,000 | | | | 185,000 | 185,000 | 0 | 185,000 | 0 | 0.0% |
| American Red Cross (HOPWA) | | | | 121,303 | 121,303 | | | | 176,303 | 176,303 | 0 | 176,303 | 55,000 | 45.3% |
| Benedict House of WNY (HOPWA) | | | | 188,367 | 188,367 | | | | 188,367 | 188,367 | 0 | 188,367 | 0 | 0.0% |
| Buffalo City Mission (ESG) | | | | 64,797 | 64,797 | | | | 64,797 | 64,797 | 0 | 64,797 | 0 | 0.0% |
| Community Action Organization (ESG) | | | | 20,000 | 20,000 | | | | 20,000 | 20,000 | 0 | 20,000 | 0 | 0.0% |
| Compass House Homeless Teens (ESG) | | | | 45,000 | 45,000 | | | | 45,000 | 45,000 | 0 | 45,000 | 0 | 0.0% |
| Crisis Services Homeless Hotline (ESG) | | | | 155,000 | 155,000 | | | | 155,000 | 155,000 | 0 | 155,000 | 0 | 0.0% |
| Filmore Leroy Area Residents (FLARE) (ESG) | | | | 33,500 | 33,500 | | | | 33,500 | 33,500 | 0 | 33,500 | 0 | 0.0% |
| Grand Place (ESG) | | | | 33,500 | 33,500 | | | | 33,500 | 33,500 | 0 | 33,500 | 0 | 0.0% |
| Group Ministries (HOPWA) | | | | 55,000 | 55,000 | | | | 0 | 0 | 0 | 0 | -55,000 | Not Funded |
| HEAL Building Rehabilitation | | | | 0 | 0 | 250,000 | | | 250,000 | 250,000 | 0 | 250,000 | 250,000 | NEW |
| Hispanics United of Buffalo - Los Tancos (ESG) | | | | 32,000 | 32,000 | | | | 32,000 | 32,000 | 0 | 32,000 | 0 | 0.0% |
| Legal Aid Bureau of Buffalo / WNY (ESG) | | | | 23,000 | 23,000 | | | | 23,000 | 23,000 | 0 | 23,000 | 0 | 0.0% |
| Livable Communities Block Club Grants | 9,000 | | | 75,000 | 84,000 | 51,000 | | | 75,000 | 126,000 | 0 | 51,000 | 42,000 | 468.7% |
| LI Matt Urban Center (ESG) | | | | 60,000 | 60,000 | | | | 60,000 | 60,000 | 0 | 60,000 | 0 | 0.0% |
| Neighborhood Legal Services (ESG) | | | | 1,097,994 | 1,097,994 | | | | 600,000 | 600,000 | 0 | 600,000 | -497,994 | -45.4% |
| Park / Playground Improvements | 1,097,994 | | | 90,373 | 1,188,367 | 600,000 | | | 90,373 | 690,373 | 0 | 90,373 | 0 | 0.0% |
| Program Delivery-Public Facilities & Improvements | 90,373 | | | 519,993 | 610,366 | 500,000 | | | 500,000 | 1,000,000 | 0 | 500,000 | -119,366 | -19.5% |
| Public Facilities & Infrastructure Improvements- City Wide | 908,399 | | | 908,399 | 1,816,798 | 2,100,000 | | | 2,100,000 | 4,200,000 | 0 | 2,100,000 | 1,191,602 | 131.2% |
| Public Improvements- City Wide | | | | 0 | 0 | 400,000 | | | 400,000 | 400,000 | 0 | 400,000 | 400,000 | NEW |
| Salvation Army Homeless Assistance Program (ESG) | | | | 40,000 | 40,000 | | | | 40,000 | 40,000 | 0 | 40,000 | 0 | 0.0% |
| Saving Grace (ESG) | | | | 30,000 | 30,000 | | | | 30,000 | 30,000 | 0 | 30,000 | 0 | 0.0% |
| VINE (ESG) | | | | 25,000 | 25,000 | | | | 25,000 | 25,000 | 0 | 25,000 | 0 | 0.0% |
| WNY Veterans (ESG) | | | | 24,000 | 24,000 | | | | 24,000 | 24,000 | 0 | 24,000 | 0 | 0.0% |
| YWCA of WNY Genesee Street (ESG) | | | | 15,000 | 15,000 | | | | 15,000 | 15,000 | 0 | 15,000 | 0 | 0.0% |
| TOTAL | 2,625,769 | 0 | 676,797 | 649,670 | 3,852,226 | 3,991,373 | 0 | 675,797 | 549,670 | 5,216,840 | 0 | 5,216,840 | 1,365,616 | 35.5% |
| CLEARANCE ACTIVITIES: | | | | | | | | | | | | | | |
| Clean & Seal | 744,479 | | | | 744,479 | | | | | 372,240 | 0 | 372,240 | -372,239 | -50.0% |
| Demolition - City Wide | 2,815,137 | | | | 2,815,137 | | | | | 2,807,020 | 0 | 2,807,020 | -8,117 | -0.3% |

2011-2012 ANNUAL ACTION PLAN COMMUNITY DEVELOPMENT BLOCK GRANT Year 37

| Grant / Program / Year | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | | | | MAYOR'S PROPOSED ANNUAL ACTION PLAN | | | | | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | CHANGE FROM PRIOR YEAR | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------|-----|-------|-------------------------------|-------------------------------------|------|-----|-------|-------------------------------|--------------------------------------------|-------------------------------|-------------------------|------------------------|
| | YEAR 36 (2010-11) | | | | | YEAR 37 (2011-12) | | | | | YEAR 37 (2011-12) | | YEAR | |
| | CDBG | HOME | ESG | HOPWA | TOTAL | CDBG | HOME | ESG | HOPWA | TOTAL | Council Amendments CDBG Only | COUNCIL APPROVAL Feb 15, 2011 | IN DOLLARS | AS A % |
| | | | | | | | | | | | | | | |
| CDBG = Community Development Block Grant Program FH = Fair Housing HOME = Home Investment Partnership Program ESG = Emergency Shelter Grant HOPWA = Housing Opportunities for People with AIDS | | | | | | | | | | | | | | |
| Program Delivery - Demolition / Clearance Activities Remediation BURIA Sites TOTAL | 56,340 60,000 3,675,956 | | 0 | 0 | 56,340 60,000 3,675,956 | 74,396 60,000 3,313,656 | 0 | 0 | 0 | 74,396 60,000 3,313,656 | 0 0 0 | 74,396 60,000 3,313,656 | 18,056 0 -362,300 | 32.0% 0.0% -9.9% |
| PUBLIC SERVICES: | | | | | | | | | | | | | | |
| Advisory Board for Lowkey Elderly & Youth (ABLEY) | 87,720 | | | | 87,720 | 87,720 | | | | 87,720 | 0 | 87,720 | 0 | 0.0% |
| African Cultural Center - Youth Programs | 69,690 | | | | 69,690 | 69,690 | | | | 69,690 | 0 | 69,690 | 0 | 0.0% |
| Back to Basics - Substance Abuse | 30,573 | | | | 30,573 | 30,573 | | | | 30,573 | 0 | 30,573 | 0 | 0.0% |
| Buffalo City Mission - Code Blue Warning Program | 0 | | | | 0 | 55,000 | | | | 55,000 | 0 | 55,000 | 55,000 | NEW |
| Buffalo Urban League (Don't Borrow Trouble Program) FH | 45,573 | | | | 45,573 | 45,573 | | | | 45,573 | 0 | 45,573 | 0 | 0.0% |
| Community Action Organization (CAO) / Friends to the Elderly / Senior & Youth Programs | 29,771 | | | | 29,771 | 29,771 | | | | 29,771 | 0 | 29,771 | 0 | 0.0% |
| Community Action Organization (CAO) / Pratt Willett / Senior & Youth Programs | 71,146 | | | | 71,146 | 71,146 | | | | 71,146 | 0 | 71,146 | 0 | 0.0% |
| Concerned Ecumenical Ministries (CEM) Human Services | 36,567 | | | | 36,567 | 36,567 | | | | 36,567 | 0 | 36,567 | 0 | 0.0% |
| Computers for Children | 0 | | | | 0 | 50,000 | | | | 50,000 | 0 | 50,000 | 50,000 | NEW |
| Crucial Human Service - Youth Program | 71,367 | | | | 71,367 | 71,367 | | | | 71,367 | 0 | 71,367 | 0 | 0.0% |
| Erie Regional Housing Authority / Los Tainos Senior & Youth Programs | 89,623 | | | | 89,623 | 89,623 | | | | 89,623 | 0 | 89,623 | 0 | 0.0% |
| Filmore Levey Area Residents (FLARE) - Seniors & Youth Programs | 34,692 | | | | 34,692 | 34,692 | | | | 34,692 | 0 | 34,692 | 0 | 0.0% |
| Gloria Parks University Heights Housing Services | 126,146 | | | | 126,146 | 126,146 | | | | 126,146 | 0 | 126,146 | 0 | 0.0% |
| Hispanics United of Buffalo - Senior Program | 25,573 | | | | 25,573 | 25,573 | | | | 25,573 | 0 | 25,573 | 0 | 0.0% |
| Homefront - Owners Avoiding Homelessness | 20,000 | | | | 20,000 | 0 | | | | 0 | 0 | 0 | -20,000 | Not Funded |
| Homeless Alliance | 26,845 | | | | 26,845 | 26,845 | | | | 26,845 | 0 | 26,845 | 0 | 0.0% |
| Housing Opportunities Made Equal (FH) | 75,573 | | | | 75,573 | 75,573 | | | | 75,573 | 0 | 75,573 | 0 | 0.0% |
| King Urban Life Center - Youth Program | 40,573 | | | | 40,573 | 40,573 | | | | 40,573 | 0 | 40,573 | 0 | 0.0% |
| Legal Aid Bureau of WNY - Fair Housing (FH) | 60,573 | | | | 60,573 | 60,573 | | | | 60,573 | 0 | 60,573 | 0 | 0.0% |
| Legal Aid Bureau of WNY - Mortgage Foreclosure (FH) | 30,573 | | | | 30,573 | 30,573 | | | | 30,573 | 0 | 30,573 | 0 | 0.0% |
| Legal Aid Bureau of WNY - Legal Services for the Elderly (FH) | 14,234 | | | | 14,234 | 14,234 | | | | 14,234 | 0 | 14,234 | 0 | 0.0% |
| Literacy Volunteers of America - WNY | 13,091 | | | | 13,091 | 13,091 | | | | 13,091 | 0 | 13,091 | 0 | 0.0% |
| Metro Community Development Corp (CDC) (Bellevue-Grider) | 95,573 | | | | 95,573 | 95,573 | | | | 95,573 | 0 | 95,573 | 0 | 0.0% |
| Neighborhood Legal Services | 35,573 | | | | 35,573 | 35,573 | | | | 35,573 | 0 | 35,573 | 0 | 0.0% |
| North Buffalo Community Development Corp (CDC) | 96,932 | | | | 96,932 | 96,932 | | | | 96,932 | 0 | 96,932 | 0 | 0.0% |
| Northwest Buffalo Community Center | 246,519 | | | | 246,519 | 246,519 | | | | 246,519 | 0 | 246,519 | 0 | 0.0% |
| Old First Ward | 57,194 | | | | 57,194 | 57,194 | | | | 57,194 | 0 | 57,194 | 0 | 0.0% |
| Parkside Community Association - Youth Program | 22,000 | | | | 22,000 | 22,000 | | | | 22,000 | 0 | 22,000 | 0 | 0.0% |
| People Inc - Handicapped Program | 26,054 | | | | 26,054 | 26,054 | | | | 26,054 | 0 | 26,054 | 0 | 0.0% |
| Police Athletic League (PAL) | 112,604 | | | | 112,604 | 112,604 | | | | 112,604 | 0 | 112,604 | 0 | 0.0% |
| Polish Community Center Senior & Youth Program | 169,146 | | | | 169,146 | 169,146 | | | | 169,146 | 0 | 169,146 | 0 | 0.0% |
| Schiller Park - Senior Program | 102,573 | | | | 102,573 | 102,573 | | | | 102,573 | 0 | 102,573 | 0 | 0.0% |
| Seneca Babcock HS - Senior and Youth Programs | 52,792 | | | | 52,792 | 52,792 | | | | 52,792 | 0 | 52,792 | 0 | 0.0% |
| South Buffalo Community Center - Senior Program | 134,573 | | | | 134,573 | 134,573 | | | | 134,573 | 0 | 134,573 | 0 | 0.0% |
| Valley Community Association - Senior Program | 25,573 | | | | 25,573 | 25,573 | | | | 25,573 | 0 | 25,573 | 0 | 0.0% |
| West Side Community Services Anti-Crime Program | 154,146 | | | | 154,146 | 154,146 | | | | 154,146 | 0 | 154,146 | 0 | 0.0% |
| West Side Neighborhood Housing Services (NHS) | 20,000 | | | | 20,000 | 20,000 | | | | 20,000 | 0 | 20,000 | 0 | 0.0% |
| WNY Law Center (Anti-Filippo) | 20,000 | | | | 20,000 | 20,000 | | | | 20,000 | 0 | 20,000 | 0 | 0.0% |
| William Emilia YMCA | 42,573 | | | | 42,573 | 42,573 | | | | 42,573 | 0 | 42,573 | 0 | 0.0% |

2011-2012 ANNUAL ACTION PLAN COMMUNITY DEVELOPMENT BLOCK GRANT YEAR 37

| Grant / Program / Year | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | | | | MAYOR'S PROPOSED ANNUAL ACTION PLAN | | | | | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | | | | CHANGE FROM PRIOR YEAR | |
|------------------------------------------------------------------|-----------------------------------------------|-----------|-----|-------|-----------|----------------------------------------|-----------|-----|-------|-----------|--------------------------------------------------|-------------------------------------|------------|------------|--|---------------------------|--|
| | YEAR 36 (2010-11) | | | | | YEAR 37 (2011-12) | | | | | YEAR 37 (2011-12) | | | | | | |
| Description | CDBG | HOME | ESG | HOPWA | TOTAL | CDBG | HOME | ESG | HOPWA | TOTAL | Council Amendments CDBG Only | COUNCIL APPROVAL Feb 15, 2011 | IN DOLLARS | AS A % | | | |
| Sub-Total | 2,413,728 | 0 | 0 | 0 | 2,413,728 | 2,498,728 | 0 | 0 | 0 | 2,498,728 | 0 | 2,498,728 | 85,000 | 3.5% | | | |
| Medical Campus | 0 | 0 | 0 | 0 | 0 | 150,000 | 0 | 0 | 0 | 150,000 | 0 | 150,000 | 150,000 | NEW | | | |
| Community Policing and Crime Reduction Efforts | 0 | 0 | 0 | 0 | 0 | 210,000 | 0 | 0 | 0 | 210,000 | 0 | 210,000 | 210,000 | NEW | | | |
| TOTAL | 2,413,728 | 0 | 0 | 0 | 2,413,728 | 2,858,728 | 0 | 0 | 0 | 2,858,728 | 0 | 2,858,728 | 445,000 | 18.4% | | | |
| NRSA | | | | | | | | | | | | | | | | | |
| Public Services - Mid City NRSA | 0 | 0 | 0 | 0 | 0 | 350,000 | 0 | 0 | 0 | 350,000 | 0 | 350,000 | 350,000 | NEW | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 350,000 | 0 | 0 | 0 | 350,000 | 0 | 350,000 | 350,000 | NEW | | | |
| PUBLIC SERVICES - HUD MANDATED | | | | | | | | | | | | | | | | | |
| Mid City NRSA Employment Training Requirement | 100,000 | 0 | 0 | 0 | 100,000 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -100,000 | Not Funded | | | |
| TOTAL | 100,000 | 0 | 0 | 0 | 100,000 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50,000 | Not Funded | | | |
| HOMEOWNERSHIP ASSISTANCE | | | | | | | | | | | | | | | | | |
| American Dream Downpayment Initiative | 100,000 | 0 | 0 | 0 | 100,000 | 100,000 | 0 | 0 | 0 | 100,000 | 0 | 100,000 | 0 | 0.0% | | | |
| Homebuyer Assistance Program | 163,000 | 0 | 0 | 0 | 163,000 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -163,000 | Not Funded | | | |
| Program Delivery Homeownership Assistance | 244,710 | 0 | 0 | 0 | 244,710 | 250,000 | 0 | 0 | 0 | 250,000 | 0 | 250,000 | 5,290 | 2.2% | | | |
| TOTAL | 507,710 | 0 | 0 | 0 | 507,710 | 350,000 | 0 | 0 | 0 | 350,000 | 0 | 350,000 | -157,710 | -31.1% | | | |
| REHABILITATION ACTIVITIES: | | | | | | | | | | | | | | | | | |
| CBO = Community Based Organizations | | | | | | | | | | | | | | | | | |
| Neighborhood Housing Services | | | | | | | | | | | | | | | | | |
| Housing Development Organization | | | | | | | | | | | | | | | | | |
| Emergency Loan Program - Single / Multiple Units | 1,200,000 | 0 | 0 | 0 | 1,200,000 | 1,350,000 | 0 | 0 | 0 | 1,350,000 | 0 | 1,350,000 | 300,000 | 25.0% | | | |
| Emergency Loan Program - Single / Multiple Units / Mid City NRSA | 100,000 | 0 | 0 | 0 | 100,000 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -100,000 | Not Funded | | | |
| Acquisition / Rehab NRSA (HOME) | 100,000 | 0 | 0 | 0 | 100,000 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -100,000 | Not Funded | | | |
| Acquisition / Rehab NRSA | 100,000 | 0 | 0 | 0 | 100,000 | 500,000 | 0 | 0 | 0 | 500,000 | 0 | 500,000 | 500,000 | NEW | | | |
| Housing Rehab School 60 | 0 | 0 | 0 | 0 | 0 | 450,000 | 0 | 0 | 0 | 450,000 | 0 | 450,000 | 180,000 | 66.7% | | | |
| Program Delivery - CBO / NHS | 270,000 | 0 | 0 | 0 | 270,000 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -270,000 | Not Funded | | | |
| Program Delivery - Lead Based Paint Monitoring (BURA) | 80,000 | 0 | 0 | 0 | 80,000 | 250,000 | 0 | 0 | 0 | 250,000 | 0 | 250,000 | 92,413 | 58.6% | | | |
| Program Delivery - Rehab Admin (BURA) | 157,587 | 0 | 0 | 0 | 157,587 | 557,700 | 0 | 0 | 0 | 557,700 | 0 | 557,700 | 105,200 | 23.2% | | | |
| Program Delivery - Rehab Loan Contractor (BURA) | 452,500 | 0 | 0 | 0 | 452,500 | 760,963 | 0 | 0 | 0 | 760,963 | 0 | 760,963 | -1,318 | -0.2% | | | |
| Rehabilitation - CHDOs (CBO & NHS) (HOME) | 762,281 | 0 | 0 | 0 | 762,281 | 253,654 | 0 | 0 | 0 | 253,654 | 0 | 253,654 | -440 | -0.2% | | | |
| Rehabilitation - CHDOs (Operating Costs) (HOME) | 254,094 | 0 | 0 | 0 | 254,094 | 1,650,000 | 0 | 0 | 0 | 1,650,000 | 0 | 1,650,000 | 0 | 0.0% | | | |
| Rehabilitation Loan Program Owner Occupied (HOME) | 1,650,000 | 0 | 0 | 0 | 1,650,000 | 2,126,162 | 0 | 0 | 0 | 2,126,162 | 0 | 2,126,162 | 93,849 | 4.6% | | | |
| Rental Rehabilitation Investor Owned (HOME) | 2,032,313 | 0 | 0 | 0 | 2,032,313 | 180,000 | 0 | 0 | 0 | 180,000 | 0 | 180,000 | 80,000 | 80.0% | | | |
| Weatherization Program | 100,000 | 0 | 0 | 0 | 100,000 | 3,287,700 | 4,790,779 | 0 | 0 | 8,078,479 | 0 | 8,078,479 | 965,704 | 13.4% | | | |
| TOTAL | 2,460,887 | 4,798,688 | 0 | 0 | 7,259,575 | 3,287,700 | 4,790,779 | 0 | 0 | 8,078,479 | 0 | 8,078,479 | 965,704 | 13.4% | | | |
| CODE ENFORCEMENT: | | | | | | | | | | | | | | | | | |
| Clean & Seal | 0 | 0 | 0 | 0 | 0 | 372,239 | 0 | 0 | 0 | 372,239 | 0 | 372,239 | 372,239 | NEW | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 372,239 | 0 | 0 | 0 | 372,239 | 0 | 372,239 | 372,239 | NEW | | | |
| DIRECT ECONOMIC DEVELOPMENT ASSISTANCE | | | | | | | | | | | | | | | | | |
| Commercial Loan Program (BERC) | 1,700,000 | 0 | 0 | 0 | 1,700,000 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -2,000,000 | Not Funded | | | |
| HUD Section 108 Debt Repayments | 1,427,530 | 0 | 0 | 0 | 1,427,530 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -1,427,530 | Not Funded | | | |
| Program Delivery - Commercial Lending - Admin (BERC) | 600,000 | 0 | 0 | 0 | 600,000 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -600,000 | Not Funded | | | |
| TOTAL | 3,727,530 | 0 | 0 | 0 | 3,727,530 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -4,027,530 | Not Funded | | | |
| NEIGHBORHOOD IMPROVEMENT ASSISTANCE | | | | | | | | | | | | | | | | | |
| Commercial District Business Improvement Program | 0 | 0 | 0 | 0 | 0 | 50,000 | 0 | 0 | 0 | 50,000 | 0 | 50,000 | 50,000 | NEW | | | |
| HUD Section 108 Debt Repayments | 0 | 0 | 0 | 0 | 0 | 760,286 | 0 | 0 | 0 | 760,286 | 0 | 760,286 | 760,286 | NEW | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 810,286 | 0 | 0 | 0 | 810,286 | 0 | 810,286 | 810,286 | NEW | | | |
| PLANNING & ADMINISTRATION: | | | | | | | | | | | | | | | | | |

2011-2012 ANNUAL ACTION PLAN COMMUNITY DEVELOPMENT BLOCK GRANT YEAR 37

| Grant / Program / Year | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | | | MAYOR'S PROPOSED ANNUAL ACTION PLAN | | | | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | CHANGE FROM PRIOR YEAR | |
|-----------------------------------------------------|--------------------------------------------|-----------|---------|---------|-------------------------------------|------------|-----------|---------|--------------------------------------------|-------------------------------|------------------------|------------|
| | YEAR 36 (2010-11) | | | | YEAR 37 (2011-12) | | | | Council Amendments CDBG Only | COUNCIL APPROVAL Feb 15, 2011 | IN DOLLARS | AS A % |
| | CDBG | HOME | ESG | HOPWA | TOTAL | CDBG | HOME | ESG | HOPWA | TOTAL | | |
| | | | | | | | | | | | | |
| General Admin (ESG) | | | 31,113 | | 31,113 | | | 29,586 | | 29,586 | -1,427 | -4.6% |
| General Admin (BURA) | | | | | | 1,123,772 | | | | 1,123,772 | -17,705 | -1.6% |
| General Admin - Program Income (BURA) | 1,141,477 | | | | 1,141,477 | 525,000 | | | | 525,000 | 525,000 | NEW |
| General Admin (BERC) | 600,000 | | | | 600,000 | | | | | 0 | -600,000 | Not Funded |
| General Admin - Overhead (BURA) | 286,249 | | | | 286,249 | 235,000 | | | | 235,000 | -61,249 | -20.7% |
| General Admin Investment Partnership Program (HOME) | | 533,188 | | | 533,188 | | 532,309 | | | 532,309 | -879 | -0.2% |
| General Admin (HOPWA) | | | | 15,659 | 15,659 | | | | 15,659 | 0 | 0 | 0.0% |
| Planning Study | | | | | 0 | 30,000 | | | | 30,000 | 30,000 | NEW |
| Policy, Planning & Management (BURA) | 1,510,578 | 533,188 | 31,113 | 15,659 | 1,510,578 | 1,811,319 | | | | 1,811,319 | 300,741 | 19.9% |
| TOTAL | 3,548,304 | | | | 4,128,264 | 3,725,091 | 532,309 | 29,586 | 15,659 | 4,302,745 | 174,481 | 4.2% |
| SUMMARY | | | | | | | | | | | | |
| Initial Grant Funding | 16,031,522 | 5,081,876 | 706,910 | 521,962 | 22,402,270 | 17,409,073 | 5,073,088 | 705,483 | 565,329 | 23,752,973 | 1,350,703 | 6.0% |
| Subsequent Grant Funding | 1,317,551 | 0 | 0 | 43,367 | 1,360,918 | 0 | 0 | 0 | 0 | 0 | -1,360,918 | Not Funded |
| Subtotal - Grant Funds | 17,409,073 | 5,081,876 | 706,910 | 565,329 | 23,763,188 | 17,409,073 | 5,073,088 | 705,483 | 565,329 | 23,752,973 | -10,215 | 0.0% |
| Program Income | 1,650,000 | 250,000 | 0 | 0 | 1,900,000 | 1,650,000 | 250,000 | 0 | 0 | 1,900,000 | 0 | 0.0% |
| TOTAL SOURCES OF FUNDS | 19,059,073 | 5,331,876 | 706,910 | 565,329 | 25,652,188 | 19,059,073 | 5,323,088 | 705,483 | 565,329 | 25,652,188 | -10,215 | 0.0% |
| TOTAL ADMINISTRATIVE | 3,548,304 | 533,188 | 31,113 | 15,659 | 4,128,264 | 3,725,091 | 532,309 | 29,586 | 15,659 | 4,302,745 | 174,481 | 4.2% |
| TOTAL PUBLIC SERVICES | 15,510,769 | 4,798,688 | 675,797 | 549,670 | 21,534,924 | 15,333,982 | 4,790,779 | 675,797 | 549,670 | 21,350,228 | -184,696 | -0.9% |
| TOTAL USES OF FUNDS | 19,059,073 | 5,331,876 | 706,910 | 565,329 | 25,652,188 | 19,059,073 | 5,323,088 | 705,483 | 565,329 | 25,652,188 | 0 | 0.0% |

* AYE * NO *

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| FONTANA | * | * | * | * |
| FRANCZYK | * | * | * | * |
| GOLOMBEK | * | * | * | * |
| KEARNS | * | * | * | * |
| LOCURTO | * | * | * | * |
| PRIDGEN | * | * | * | * |
| RIVERA | * | * | * | * |
| RUSSELL | * | * | * | * |
| SMITH | * | * | * | * |
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**City Clerk's Department
BUFFALO**

February 15, 2011

HON. BYRON W. BROWN
MAYOR OF BUFFALO

DEAR SIR:

Pursuant to the provisions of Section 3-19 of the Charter, I present herewith the attached resolution item.

No. 4

PASSED February 15, 2011

Annual Action Plan(YR 37 CDBG) as Amended

Gerald A Chwalinski
City Clerk



FILED
CITY CLERK
2011 FEB 18 AM 10:55

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13

TO: THE COMMON COUNCIL

DATE: January 21, 2011

FROM: THE EXECUTIVE DEPARTMENT

SUBJECT: 2011-2012 Annual Action Plan (Year 37 Community Development Block Grant)

Attached for Your Honorable Body's consideration, please find the City of Buffalo's 2011-2012 Annual Action Plan in accordance with the projected allocation of \$23,752,973 in funds set forth by the U.S. Dept. of Housing & Urban Development as follows.

| | |
|---------------------------------------------|--------------|
| Community Development Block Grant | \$17,409,073 |
| HOME Investment Partnership Grant | 5,073,088 |
| Emergency Shelter Grant | 705,483 |
| Housing Opportunities for Persons with AIDS | 565,329 |

This budget reflects my administration's commitment to neighborhood revitalization and stabilization by providing \$2,807,020 for the demolition of 180 vacant and blighted structures, \$1,350,000 for 182 emergency rehabilitations and \$1,650,000 for 139 additional rehabilitations through the HOME program. In addition, \$500,000 is provided to rehab the long vacant School 60, which will house veterans and special needs individuals and create an estimated 20 permanent jobs. These funds are necessary to offset funding losses with the expiration of New York State's RESTORE NY program, which has provided over \$20 million to the city for demolitions and rehabs over a three year period.

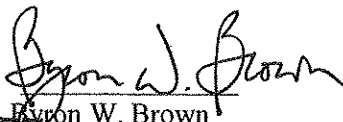
With the return of the city parks from the county, numerous needed improvements, such as roofing and sports and fitness infrastructure, have been identified. Funding in the amount of \$600,000 is provided to improve city parks and recreational centers in some of the city's neediest neighborhoods, thereby improving the quality of life for residents living in the surrounding neighborhoods. In addition, \$2,858,728 in critical human service funding for community group delivery programs maintains current year funding levels.

New funding for employing and preparing for the workforce 350 of some of the city's neediest youth is provided in the amount of \$350,000. An additional \$150,000 is also provided to prepare low income city residents for jobs in health care and the life sciences emerging through expansion of the Buffalo Niagara Medical Campus.

With the dissolution of the Buffalo Economic Renaissance Corporation nearly complete, staffing and other administrative costs for the corporation have been eliminated, reducing the allocation for these purposes by nearly \$1 million. Planning and administration of a new Commercial District Business Improvement Program is funded at \$50,000. The program will utilize prior year fund balances for façade and other improvements. The city's commitment to commercial lending and other business assistance programs will be maintained by utilizing prior year fund balances, as well. Further bolstering economic development efforts is \$210,000 in funding for a community policing and crime prevention initiative to make business districts safer.

Improving the environment in which to live and invest in is provided through \$3,000,000 for streets and public facilities city-wide, including the Medical Park/Fruitbelt redevelopment initiative.

Pursuant to HUD's citizen participation requirements and the requirements for presenting agency budgets, the city's 2011-2012 Annual Action Plan is developed with community input and is designed to carry out the objectives in the city's approved 2008-2012 Consolidated Plan.


Byron W. Brown
Mayor

REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

1A

2011-2012 ANNUAL ACTION PLAN COMMUNITY DEVELOPMENT BLOCK GRANT YEAR 37

| Grant Program / Year | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | | | | MAYOR'S PROPOSED ANNUAL ACTION PLAN | | | | | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | CHANGE FROM PRIOR YEAR | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-----------|---------|---------|------------|-------------------------------------|-----------|---------|---------|------------|--------------------------------------------|-------------------------------|------------------------|------------|
| CDBG = Community Development Block Grant Program FH = Fair Housing HOME = Home Investment Partnership Program ESG = Emergency Shelter Grant HOPWA = Housing Opportunities for People with AIDS | | | | | | | | | | | | | | |
| | YEAR 36 (2010-11) | | | | | YEAR 37 (2011-12) | | | | | YEAR 37 (2011-12) | | YEAR | |
| | CDBG | HOME | ESG | HOPWA | TOTAL | CDBG | HOME | ESG | HOPWA | TOTAL | COUNCIL AMENDMENTS CDBG ONLY | COUNCIL APPROVAL Feb 15, 2011 | IN DOLLARS | AS A % |
| SOURCES OF FUNDS | | | | | | | | | | | | | | |
| Initial Grant Funding | 16,091,522 | 5,081,876 | 706,910 | 521,962 | 22,402,270 | 17,409,073 | 5,073,088 | 705,483 | 565,329 | 23,752,973 | 0 | 23,752,973 | 1,350,703 | 6.0% |
| American Dream Downpayment Initiative (ADDI) (HOME) | | | | | 0 | | | | | 0 | 0 | 0 | 0 | NEW |
| Subsequent Grant Funding | 1,317,551 | | | 43,367 | 1,360,918 | | | | | 0 | 0 | 0 | -1,350,918 | Not Funded |
| Subsequent Grant Funding - ADDI | | | | | 0 | | | | | 0 | 0 | 0 | 0 | NEW |
| SubTotal - Grant Funds | 17,409,073 | 5,081,876 | 706,910 | 565,329 | 23,763,188 | 17,409,073 | 5,073,088 | 705,483 | 565,329 | 23,752,973 | 0 | 23,752,973 | -10,215 | 0.0% |
| BURA Program Income | 450,000 | | | | 450,000 | 450,000 | | | | 450,000 | 0 | 450,000 | 0 | 0.0% |
| BERC Program Income | 1,200,000 | | | | 1,200,000 | 1,200,000 | | | | 1,200,000 | 0 | 1,200,000 | 0 | 0.0% |
| HOME Program Income | 250,000 | | | | 250,000 | 250,000 | | | | 250,000 | 0 | 250,000 | 0 | 0.0% |
| SubTotal - Program Income | 1,650,000 | 250,000 | 0 | 0 | 1,900,000 | 1,650,000 | 250,000 | 0 | 0 | 1,900,000 | 0 | 1,900,000 | 0 | 0.0% |
| TOTAL SOURCES OF FUNDS | 19,059,073 | 5,331,876 | 706,910 | 565,329 | 25,653,188 | 19,059,073 | 5,323,088 | 705,483 | 565,329 | 25,652,973 | 0 | 25,652,973 | -10,215 | 0.0% |
| USES OF FUNDS Column Totals (See below) | 19,059,073 | 5,331,876 | 706,910 | 565,329 | 25,653,188 | 19,059,073 | 5,323,088 | 705,483 | 565,329 | 25,652,973 | 0 | 25,652,973 | -10,215 | 0.0% |
| PUBLIC FACILITIES & IMPROVEMENTS: | | | | | | | | | | | | | | |
| AIDS Community Services (HOPWA) | | | | 185,000 | 185,000 | | | | | 185,000 | 0 | 185,000 | 0 | 0.0% |
| American Red Cross (HOPWA) | | | | 121,303 | 121,303 | | | | | 176,303 | 55,000 | 176,303 | 55,000 | 45.3% |
| Benedict House of WNY (HOPWA) | | | | 188,367 | 188,367 | | | | | 188,367 | 0 | 188,367 | 0 | 0.0% |
| Buffalo City Mission (ESG) | | | 64,797 | | 64,797 | | | | | 64,797 | 0 | 64,797 | 0 | 0.0% |
| Community Action Organization (ESG) | | | 20,000 | | 20,000 | | | | | 20,000 | 0 | 20,000 | 0 | 0.0% |
| Compass House Homeless Teens (ESG) | | | 45,000 | | 45,000 | | | | | 45,000 | 0 | 45,000 | 0 | 0.0% |
| Cross Services Homeless Hotline (ESG) | | | 155,000 | | 155,000 | | | | | 155,000 | 0 | 155,000 | 0 | 0.0% |
| Filmora Leroy Area Residents (FLARE) (ESG) | | | 33,500 | | 33,500 | | | | | 33,500 | 0 | 33,500 | 0 | 0.0% |
| Grand Place (ESG) | | | 33,500 | | 33,500 | | | | | 33,500 | 0 | 33,500 | 0 | 0.0% |
| Group Ministries (HOPWA) | | | | 55,000 | 55,000 | | | | | 55,000 | 0 | 55,000 | 0 | 0.0% |
| HEAL Building Rehabilitation | | | | | 0 | | | | | 0 | | | -55,000 | Not Funded |
| Hispanics United of Buffalo - Los Tamos (ESG) | | | 32,000 | | 32,000 | | | | | 32,000 | 0 | 32,000 | 0 | 0.0% |
| Legal Aid Bureau of Buffalo WNY (ESG) | | | 23,000 | | 23,000 | | | | | 23,000 | 0 | 23,000 | 0 | 0.0% |
| Livermore Community Block Club Grants | 9,000 | | | | 9,000 | | | | | 9,000 | 0 | 9,000 | 42,000 | 466.7% |
| LI Matt Urban Center (ESG) | | | 75,000 | | 75,000 | | | | | 75,000 | 0 | 75,000 | 0 | 0.0% |
| Neighborhood Legal Services (ESG) | | | 60,000 | | 60,000 | | | | | 60,000 | 0 | 60,000 | 0 | 0.0% |
| Park / Playground Improvements | 1,087,984 | | | | 1,087,984 | | | | | 1,087,984 | 0 | 1,087,984 | -497,984 | -45.4% |
| Program Delivery-Public Facilities & Improvements | 90,373 | | | | 90,373 | | | | | 90,373 | 0 | 90,373 | 0 | 0.0% |
| Public Facilities & Infrastructure Improvements- City Wide | 519,993 | | | | 519,993 | | | | | 519,993 | 0 | 519,993 | -19,993 | -3.8% |
| Public Improvements- City Wide | 908,399 | | | | 908,399 | | | | | 908,399 | 0 | 908,399 | 1,191,602 | 131.2% |
| Public Improvements- WWSA | | | | | 0 | | | | | 0 | 0 | 0 | 400,000 | NEW |
| Salvation Army Homeless Assistance Program (ESG) | | | 40,000 | | 40,000 | | | | | 40,000 | 0 | 40,000 | 0 | 0.0% |
| Strong Grace (ESG) | | | 30,000 | | 30,000 | | | | | 30,000 | 0 | 30,000 | 0 | 0.0% |
| VINE (ESG) | | | 25,000 | | 25,000 | | | | | 25,000 | 0 | 25,000 | 0 | 0.0% |
| WNY Veterans (ESG) | | | 24,000 | | 24,000 | | | | | 24,000 | 0 | 24,000 | 0 | 0.0% |
| YWCA of WNY Genesee Street (ESG) | | | 15,000 | | 15,000 | | | | | 15,000 | 0 | 15,000 | 0 | 0.0% |
| TOTAL | 2,625,758 | 0 | 676,797 | 649,670 | 3,952,225 | 3,951,973 | 0 | 676,797 | 649,670 | 5,216,840 | 0 | 5,216,840 | 1,366,816 | 35.5% |
| CLEANANCE ACTIVITIES: | | | | | | | | | | | | | | |
| Clean & Seal | 744,479 | | | | 744,479 | | | | | 744,479 | 0 | 744,479 | -372,238 | -50.0% |
| Demolition - City Wide | 2,815,137 | | | | 2,815,137 | | | | | 2,815,137 | 0 | 2,815,137 | -8,117 | -0.3% |

2/15/2011 10:17 AM

2011-2012 ANNUAL ACTION PLAN Community Development Block Grant Year 37

| Grant / Program / Year | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | | | | MAYOR'S PROPOSED ANNUAL ACTION PLAN | | | | | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | | CHANGE FROM PRIOR YEAR | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------|-------------|-------------|-------------------------------|-------------------------------------|-------------|-------------|-------------|-------------------------------|--------------------------------------------|-------------------------------|-------------------------|------------------------|--------|
| | YEAR 36 (2010-11) | | | | | YEAR 37 (2011-12) | | | | | YEAR 37 (2011-12) | | | | |
| | CDBG | HOME | ESG | HOPWA | TOTAL | CDBG | HOME | ESG | HOPWA | TOTAL | Council Amendments CDBG Only | COUNCIL APPROVAL Feb 15, 2011 | | IN DOLLARS | AS A % |
| | | | | | | | | | | | | | | | |
| CDBG = Community Development Block Grant Program FH = Fair Housing HOME = Home Investment Partnership Program ESG = Emergency Shelter Grant HOPWA = Housing Opportunities for People with AIDS | | | | | | | | | | | | | | | |
| Program Delivery - Demolition / Clearance Activities Remediation BURIA Sites TOTAL | 56,340 60,000 3,675,966 | 0 0 0 | 0 0 0 | 0 0 0 | 56,340 60,000 3,675,966 | 74,396 60,000 3,313,656 | 0 0 0 | 0 0 0 | 0 0 0 | 74,396 60,000 3,313,656 | 0 0 0 | 74,396 60,000 3,313,656 | 18,055 0 -362,300 | 32.0% 0.0% -9.9% | |
| PUBLIC SERVICES: | | | | | | | | | | | | | | | |
| Advisory Board for Lively Elderly & Youth (ABLEY) | 87,720 | | | | 87,720 | 87,720 | | | | 87,720 | 0 | 87,720 | 0 | 0.0% | |
| African Cultural Center - Youth Programs | 69,690 | | | | 69,690 | 69,690 | | | | 69,690 | 0 | 69,690 | 0 | 0.0% | |
| Back to Basics - Substance Abuse | 30,573 | | | | 30,573 | 30,573 | | | | 30,573 | 0 | 30,573 | 0 | 0.0% | |
| Buffalo City Mission - Code Blue Warning Program | 0 | | | | 0 | 55,000 | | | | 55,000 | 0 | 55,000 | 55,000 | NEW | |
| Buffalo Urban League (Don't Borrow Trouble Program) FH | 45,573 | | | | 45,573 | 45,573 | | | | 45,573 | 0 | 45,573 | 0 | 0.0% | |
| Community Action Organization (CAO) / Friends to the Elderly | | | | | | | | | | | | | | | |
| Community Action Organization (CAO) / Senior & Youth Programs | 29,771 | | | | 29,771 | 29,771 | | | | 29,771 | 0 | 29,771 | 0 | 0.0% | |
| Community Action Organization (CAO) / Pratt Willett / Senior & Youth Programs | 71,146 | | | | 71,146 | 71,146 | | | | 71,146 | 0 | 71,146 | 0 | 0.0% | |
| Concerned Ecumenical Ministries (CEM) Human Services | 36,567 | | | | 36,567 | 36,567 | | | | 36,567 | 0 | 36,567 | 0 | 0.0% | |
| Computers for Children | 0 | | | | 0 | 50,000 | | | | 50,000 | 0 | 50,000 | 50,000 | NEW | |
| Crucial Human Services - Youth Program | 71,367 | | | | 71,367 | 71,367 | | | | 71,367 | 0 | 71,367 | 0 | 0.0% | |
| Erie Regional Housing Authority / Leo Tainos Senior & Youth Programs | 89,623 | | | | 89,623 | 89,623 | | | | 89,623 | 0 | 89,623 | 0 | 0.0% | |
| Fillmore Leroy Area Residents (FLARE) - Seniors & Youth Programs | 34,692 | | | | 34,692 | 34,692 | | | | 34,692 | 0 | 34,692 | 0 | 0.0% | |
| Gloria Parks University Heights Housing Services | 126,146 | | | | 126,146 | 126,146 | | | | 126,146 | 0 | 126,146 | 0 | 0.0% | |
| Hispanics United of Buffalo - Leo Tainos - Senior Program | 25,573 | | | | 25,573 | 25,573 | | | | 25,573 | 0 | 25,573 | 0 | 0.0% | |
| Homefront - Owners Avoiding Homelessness | 20,000 | | | | 20,000 | 20,000 | | | | 20,000 | 0 | 20,000 | 0 | 0.0% | |
| Housing Opportunities Made Equal (FH) | 26,845 | | | | 26,845 | 26,845 | | | | 26,845 | 0 | 26,845 | 0 | 0.0% | |
| King Urban Life Center - Youth Program | 75,573 | | | | 75,573 | 75,573 | | | | 75,573 | 0 | 75,573 | 0 | 0.0% | |
| Legal Aid Bureau of WNY - Fair Housing (FH) | 40,573 | | | | 40,573 | 40,573 | | | | 40,573 | 0 | 40,573 | 0 | 0.0% | |
| Legal Aid Bureau of WNY - Mortgage Foreclosure (FH) | 60,573 | | | | 60,573 | 60,573 | | | | 60,573 | 0 | 60,573 | 0 | 0.0% | |
| Legal Aid Bureau of WNY - Legal Services for the Elderly (FH) | 30,573 | | | | 30,573 | 30,573 | | | | 30,573 | 0 | 30,573 | 0 | 0.0% | |
| Legal Aid Bureau of WNY - Literacy Volunteers of America - WNY | 14,234 | | | | 14,234 | 14,234 | | | | 14,234 | 0 | 14,234 | 0 | 0.0% | |
| Meiro Community Development Corp (CDC) (Delaware-Graden) | 13,091 | | | | 13,091 | 13,091 | | | | 13,091 | 0 | 13,091 | 0 | 0.0% | |
| Neighborhood Legal Services | 95,573 | | | | 95,573 | 95,573 | | | | 95,573 | 0 | 95,573 | 0 | 0.0% | |
| North Buffalo Community Development Corp (CDC) | 35,573 | | | | 35,573 | 35,573 | | | | 35,573 | 0 | 35,573 | 0 | 0.0% | |
| Northwest Buffalo Community Center | 95,932 | | | | 95,932 | 95,932 | | | | 95,932 | 0 | 95,932 | 0 | 0.0% | |
| Parkside Community Association - Youth Program | 246,519 | | | | 246,519 | 246,519 | | | | 246,519 | 0 | 246,519 | 0 | 0.0% | |
| People Inc - Handicapped Program | 57,194 | | | | 57,194 | 57,194 | | | | 57,194 | 0 | 57,194 | 0 | 0.0% | |
| Police Athletic League (PAL) | 22,000 | | | | 22,000 | 22,000 | | | | 22,000 | 0 | 22,000 | 0 | 0.0% | |
| Schiller Park - Senior Program | 26,054 | | | | 26,054 | 26,054 | | | | 26,054 | 0 | 26,054 | 0 | 0.0% | |
| Seneca Babcock HS - Senior and Youth Programs | 112,604 | | | | 112,604 | 112,604 | | | | 112,604 | 0 | 112,604 | 0 | 0.0% | |
| South Buffalo Community Center - Senior Program | 169,146 | | | | 169,146 | 169,146 | | | | 169,146 | 0 | 169,146 | 0 | 0.0% | |
| Valley Community Association - Senior Program | 102,573 | | | | 102,573 | 102,573 | | | | 102,573 | 0 | 102,573 | 0 | 0.0% | |
| West Side Community Services Anti-Crime Program | 52,792 | | | | 52,792 | 52,792 | | | | 52,792 | 0 | 52,792 | 0 | 0.0% | |
| West Side Neighborhood Housing Services (NHS) | 134,573 | | | | 134,573 | 134,573 | | | | 134,573 | 0 | 134,573 | 0 | 0.0% | |
| WNY Law Center (Anti-Filipino) | 25,573 | | | | 25,573 | 25,573 | | | | 25,573 | 0 | 25,573 | 0 | 0.0% | |
| William Emile YMCA | 154,146 | | | | 154,146 | 154,146 | | | | 154,146 | 0 | 154,146 | 0 | 0.0% | |
| | 20,000 | | | | 20,000 | 20,000 | | | | 20,000 | 0 | 20,000 | 0 | 0.0% | |
| | 42,573 | | | | 42,573 | 42,573 | | | | 42,573 | 0 | 42,573 | 0 | 0.0% | |

2011-2012 ANNUAL ACTION PLAN COMMUNITY DEVELOPMENT BLOCK Grant Year 37

| Grant / Program / Year | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | | | | MAYOR'S PROPOSED ANNUAL ACTION PLAN | | | | | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | | | | CHANGE FROM PRIOR YEAR | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--|--|--|--|-------------------------------------|--|--|--|--|--------------------------------------------|--|--|--|--|------------------------|--|--|
| COBG = Community Development Block Grant Program FH = Fair Housing HOME = Home Investment Partnership Program ESG = Emergency Shelter Grant HOPWA = Housing Opportunities for People with AIDS | | | | | | | | | | | | | | | | | | |
| | YEAR 36 (2010-11) | | | | | YEAR 37 (2011-12) | | | | | YEAR 37 (2011-12) | | | | | YEAR | | |
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2011-2012 ANNUAL ACTION PLAN Community Development Block Grant Year 37

| Grant / Program / Year | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | | | MAYOR'S PROPOSED ANNUAL ACTION PLAN | | | | COMMON COUNCIL APPROVED ANNUAL ACTION PLAN | | CHANGE FROM PRIOR YEAR | |
|-----------------------------------------------------|--------------------------------------------|-----------|---------|---------|-------------------------------------|------------|-----------|---------|--------------------------------------------|-------------------------------|------------------------|------------|
| | YEAR 36 (2010-11) | | | | YEAR 37 (2011-12) | | | | Council Amendments CDBG Only | COUNCIL APPROVAL Feb 15, 2011 | IN DOLLARS | AS A % |
| | CDBG | HOME | ESG | HOPWA | TOTAL | CDBG | HOME | ESG | HOPWA | TOTAL | | |
| General Admin (ESG) | | | 31,113 | | 31,113 | | | 29,686 | | 29,686 | -1,427 | -4.6% |
| General Admin (BURA) | 1,141,477 | | | | 1,141,477 | 1,123,772 | | | | 1,123,772 | -17,705 | -1.6% |
| General Admin - Program Income (BURA) | | | | | 0 | 525,000 | | | | 525,000 | 525,000 | NEW |
| General Admin (BERC) | 800,000 | | | | 800,000 | | | | | 0 | -800,000 | Not Funded |
| General Admin - Overhead (BURA) | 296,249 | | | | 296,249 | 235,000 | | | | 235,000 | -61,249 | -20.7% |
| General Admin Investment Partnership Program (HOME) | | 533,188 | | | 533,188 | 532,309 | | | | 532,309 | -879 | -0.2% |
| General Admin (HOPWA) | | | | 15,659 | 15,659 | | | | 15,659 | 15,659 | 0 | 0.0% |
| Policy, Planning & Management (BURA) | 1,510,578 | | | | 1,510,578 | 1,811,319 | | | | 30,000 | 30,000 | NEW |
| TOTAL | 3,548,304 | 533,188 | 31,113 | 15,659 | 4,128,264 | 3,725,091 | 532,309 | 29,686 | 15,659 | 4,302,745 | 174,481 | 4.2% |
| SUMMARY | | | | | | | | | | | | |
| Initial Grant Funding | 16,091,522 | 5,081,876 | 706,910 | 521,982 | 22,402,270 | 17,409,073 | 5,073,088 | 705,483 | 565,329 | 23,752,973 | 1,350,703 | 6.0% |
| Subsequent Grant Funding | 1,317,551 | 0 | 0 | 43,367 | 1,360,918 | 0 | 0 | 0 | 0 | 0 | -1,360,918 | Not Funded |
| SubTotal - Grant Funds | 17,409,073 | 5,081,876 | 706,910 | 565,329 | 23,763,188 | 17,409,073 | 5,073,088 | 705,483 | 565,329 | 23,752,973 | -10,215 | 0.0% |
| Program Income | 1,650,000 | 250,000 | 0 | 0 | 1,900,000 | 1,650,000 | 250,000 | 0 | 0 | 1,900,000 | 0 | 0.0% |
| TOTAL SOURCES OF FUNDS | 19,059,073 | 5,331,876 | 706,910 | 565,329 | 26,653,188 | 19,059,073 | 5,323,088 | 705,483 | 565,329 | 25,652,973 | -10,215 | 0.0% |
| TOTAL ADMINISTRATIVE | 3,548,304 | 533,188 | 31,113 | 15,659 | 4,128,264 | 3,725,091 | 532,309 | 29,686 | 15,659 | 4,302,745 | 174,481 | 4.2% |
| TOTAL PUBLIC SERVICES | 15,510,769 | 4,798,688 | 675,797 | 549,670 | 21,534,924 | 15,333,982 | 4,790,779 | 675,797 | 549,670 | 21,350,228 | -184,696 | -0.9% |
| TOTAL USES OF FUNDS | 19,059,073 | 5,331,876 | 706,910 | 565,329 | 26,653,188 | 19,059,073 | 5,323,088 | 705,483 | 565,329 | 25,652,973 | -10,215 | 0.0% |

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No. 6

Adjournment

On a motion by Mr. Fontana, seconded by Mr. Kearns, the Council adjourned at
11:14 A.M.

GERALD A. CHWALINSKI
CITY CLERK

**Board of Police and Fire Pension Proceedings #2
Office of the Mayor-201 City Hall
February 17, 2011**

Present:

Hon. David A. Rodriguez, Acting Corporation Counsel

Darryl McPherson, City Auditor

Gerald Chwalinski, City Clerk

The Journal of the last meeting was approved.

No. 1

I transmit herewith the Pension Payroll for the Fire Pension Fund for the month of February, 2011 amounting to \$3,038.00 and request that a check be drawn to the order of the persons named herein for the amounts stated.

Adopted

Ayes-3. Noes-0.

No. 2

I transmit herewith the Pension Payroll for the Police Pension Fund for the months of February, 2011 amounting to \$2,815.00 and request that a check be drawn to the order of the persons named herein for the amounts stated.

Adopted.

Ayes-3 Noes-0.

No. 3

The Following Annuitant was cancelled from the Fire Pension Fund Payroll

Denora Kelberer Died February 7, 2011

Received and Filed.

No. 4

On motion by Mr. Chwalinski the City of Buffalo Police and Fire Pension Board Meeting adjourned at 11:02 a.m.